

Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.



AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Council Chambers, 305 West Third Street

December 1, 2020

Appointment Items - 5:00 PM

Regular Meeting - 6:00 PM

This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29-20 to allow members of the City Council or staff to participate via teleconference.

Pursuant to the Ventura County Public Health Official's order and Governor's Executive Order N-33-20, all city buildings are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

The public may provide comments to the City Council via email at cityclerk@oxnard.org no later than 3:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time due to the State of California "Stay At Home" order. Requests to speak must be submitted no later than 3:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the City Clerk's Office at (805) 385-7803, or email your request to cityclerk@oxnard.org.

A. ROLL CALL, POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. APPOINTMENT ITEMS (5:00 PM)

1. City Manager Department

SUBJECT: Presentation of a Resolution Commending Chief of Police Scott Whitney for over Thirty Years of Exemplary Service to the City of Oxnard.

RECOMMENDATION:

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

C. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

D. CEREMONIAL ITEMS

1. SUBJECT: Special Guest From the North Pole.

2. SUBJECT: Presentation of a Proclamation Designating December 1, 2020 as "World AIDS Day."

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Staff Presentation / Council Discussion / Public Comment)

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

At this time, the legislative body will consider public comments for a maximum of thirty minutes. A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Based on the number of speaker requests submitted, the presiding officer may impose time limits per speaker. Typically, speakers are limited to three minutes, but shorter time may be established as deemed necessary. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/ Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

F. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

1. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)

RECOMMENDATION: That the City Council receive and file an update from the Director of Emergency Services on the COVID-19 Local Emergency.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

2. City Clerk Department

SUBJECT: Preview of New Public Records Request Software. (10/5/5)

RECOMMENDATION: That the City Council receive an informational presentation on the new Public Records Request portal.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

3. City Manager Department

SUBJECT: List of City Manager Approved Contracts - Informational Only. (5/5/5)

RECOMMENDATION: That the City Council receive and file the list of City Manager approved contracts for the period July 1, 2020 through November 19, 2020.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

G. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY
BUSINESS/COMMITTEE REPORTS

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

H. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the November 17, 2020 regular meeting as presented.

Legislative Body: City Council

Contact: Michelle Ascencion, (805) 385-7805

2. Community Development Department

SUBJECT: Second Reading and Adoption of Ordinance No. 2987 and No. 2988 - The Village Specific Plan (AKA “Wagon Wheel Specific Plan”) Amendment, Development Agreement Amendment, and certification of Addendum to Final Environmental Impact Report (FEIR) No. 06-03 and Supplemental Environmental Impact Report (SEIR) 14-01. Located in The Village Specific Plan area generally bounded by the Ventura Freeway (Highway 101) to the north, Oxnard Boulevard to the east, the Union Pacific Railroad (UPRR) and El Rio Drain to the south, and North Ventura Road and the Santa Clara River to the west.

RECOMMENDATION: That the City Council:

1. Approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2987 in regards to approving Planning and Zoning Permit No. 19-630-01 (Specific Plan Amendment No. 2 to The Village Specific Plan) for map and text amendments to The Village Specific Plan (“Specific Plan”), subject to certain findings; and
2. Approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2988 in regards to approving Planning and Zoning Permit No. 20-670-02 (Second Amendment to Development Agreement No. A-7122) between the City of Oxnard and Oakwood Communities, Inc. or Successor, subject to certain findings.

Legislative Body: City Council

Contact: Jeff Pengilley, (805) 385-8208

3. Finance Department

SUBJECT: Accounts Receivable Clean-Up.

RECOMMENDATION: That the City Council approve writing off accounts receivable for three individual customer accounts totaling \$138,736 with aging between 11 and 14 years. (Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Kevin Riper, (805) 385-7475

4. Fire Department

SUBJECT: Ventura County COVID-19 Cities Assistance Program.

RECOMMENDATION: That City Council adopt a resolution ratifying the Subaward Agreement for the Ventura County COVID-19 Cities Assistance Program (A-8264) between Ventura County and the City of Oxnard for Coronavirus Relief Funds (CRF) in an amount not to exceed \$1,379,570, and authorizing and approving the execution and submittal by the City Manager or designee of any additional agreements, forms and documentation that may be required regarding the City's allocation of such funds. (Finance & Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Alexander Hamilton, (805) 385-7708

5. Public Works Department

SUBJECT: Adoption of Ordinance No. 2989 Amending Chapter 18 (Floodplain Management) of the Oxnard City Code.

RECOMMENDATION: That the City Council waive further reading and adopt Ordinance No. 2989 amending various sections of Chapter 18 (Floodplain Management) of the Oxnard City Code to comply with the current California Model Floodplain Management Ordinance. (Public Works and Transportation Committee approved 3-0)

Legislative Body: City Council

Contact: Rosemarie Gaglione, (805) 385-8055

K. PUBLIC HEARINGS

1. Community Development Department

SUBJECT: Amendment to Chapter 11, Article XVII of the Oxnard City Code (OCC) Pertaining to Commercial Cannabis Regulations, Repeal of Chapter 11, Article XV of the OCC Pertaining to Medical Cannabis Delivery, and Repeal of Chapter 7, Article XVI of the OCC Pertaining to Cannabis and Medical Cannabis Activities. (15/20/15)

RECOMMENDATION: That the City Council:

1. Introduce an Ordinance (by title only, waiving further reading) that:
 - A. Repeals and readopts Chapter 11, Article XVII of the Oxnard City Code (Oxnard City Code Sections 11-450 to 11-496) regarding Commercial Cannabis Regulations;
 - B. Repeals Chapter 11, Article XV of the Oxnard City Code (Oxnard City Code Section 11-390 to 11-403) regarding medical cannabis delivery; and
 - C. Repeals Chapter 7, Article XVI of the Oxnard City Code (Oxnard City Code Sections 7-280 to 7-285) regarding cannabis and medical cannabis activities; and
2. Authorize the waiver of permit fees (Phases 1 to 3) for the City's new retail cannabis and local equity retail cannabis program for those entities that participated in the City's prior retail cannabis and local equity retail cannabis program.

Legislative Body: City Council

Contact: Jeff Pengilley, (805) 385-8208

L. REPORTS

1. Fire Department

SUBJECT: Ambulance Services Feasibility Study. (30/20/10)

RECOMMENDATION: That the City Council receive a report on the findings of the Ambulance Valuation and Feasibility study conducted by AP Triton, LLC; and adopt a resolution directing the City Manager to:

1. Assert the City's statutory right to provide emergency ambulance and medical services pursuant to California Health and Safety Code Section 1797.201; and
2. Provide the City's notice of intention to withdraw from the Joint Powers Agreement regarding countywide ambulance services to all pertinent parties.

(Public Safety Committee approved 3-0)

Legislative Body: City Council

Contact: Alexander Hamilton, (805) 385-7708

M. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

N. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))

Name of case: Ray v. Heritage Square Property Owners Association; et al.

Ventura County Superior Court Case No. 56-2019-00535251-CU-PO-VTA

Legislative Body: City Council

O. ADJOURNMENT

CITY COUNCIL OF THE CITY OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
 COMMENDING CHIEF OF POLICE SCOTT WHITNEY FOR OVER THIRTY YEARS
 OF EXEMPLARY SERVICE TO THE CITY OF OXNARD

WHEREAS, Scott Whitney has given over 30 years of exemplary service as an employee of the City of Oxnard; and

WHEREAS, Scott Whitney began his law enforcement career with the City of Oxnard as a Police Officer Trainee on March 5, 1990; he graduated from the Police Academy on August 5, 1990; and was promoted to Senior Police Officer on May 6, 1995. Scott Whitney has served the community honorably and with distinction in his advancement to Police Sergeant on December 14, 1996; then promoted to Police Commander on May 19, 2001, and Assistant Police Chief on December 10, 2006. On September 16, 2016, he was promoted to Chief of Police; and

WHEREAS, throughout his career Chief Whitney has held a wide variety of positions within the Police Department, which included: patrol training officer, Colonia storefront officer, narcotics detective, and special enforcement officer; and

WHEREAS, Chief Whitney has been a member of the police command staff for over 20 years and, as Assistant Police Chief for 8 of those years, he led all three police bureaus: Administration, Field Services, and Investigations; and

WHEREAS, Chief Whitney has been at the forefront in policing, with his efforts leading to: a better trained SWAT Team, the creation of the Ventura County Crisis Intervention Team, the Gang Violence Suppression Project, a youth mentoring program, alternatives to juvenile incarceration, and cultural proficiency training; and

WHEREAS, Chief Whitney has been a champion for community policing, with many innovative programs to: connect with our youth, protect our vulnerable populations, be responsive to our neighborhoods, have more positive community contacts, partner with community leaders, leverage many social media platforms, and host community events at the police station; and

WHEREAS, Chief Whitney saw the great value of Oxnard's faith groups in contributing to a stronger city, and created an Interfaith Network and Faith Council to encourage our faith communities to join together for a better Oxnard; and

WHEREAS, under Chief Whitney's leadership the City of Oxnard has enjoyed four years of declining crime, improved police-community relations, and an improved culture of success within the Police Department; and

WHEREAS, under Chief Whitney's leadership, the Oxnard Police Department was awarded the prestigious 2018 James Q Wilson Award for Excellence in Community Policing; and

WHEREAS, throughout his career, Chief Whitney has earned a reputation for being an outstanding officer, a thoughtful problem solver, a respectful listener, a supportive supervisor, and a visionary leader; and

WHEREAS, Chief Whitney also served as the Assistant City Manager for nearly two years and, for six months, served as both the Chief of Police and the Interim City Manager; and

WHEREAS, Chief Whitney has been an outstanding contributor to wonderful causes in the Oxnard community including community-based organizations, the Oxnard/Port Hueneme Boys and Girls Club, the American Cancer Society, Oxnard Special Populations, the National Alliance for the Mentally Ill, the Oxnard Chamber of Commerce, and the Oxnard Police Community Foundation; and

Resolution No.
Page 2

WHEREAS, Chief Whitney has received numerous commendations throughout his career including the 2010 El Concilio President's Award for his work with local youth, the CIT Founders Award, the 2017 Ventura County NAACP President's Award, the 2017 Knights of Columbus Distinguished Speaker, the 2017 Zambales Installing Officer, and the 2018 Man of the Year Award by the Oxnard Chamber of Commerce; and

WHEREAS, through his positive interactions, Chief Whitney has earned the respect of his fellow officers and other city employees; and

WHEREAS, as the rare homegrown police chief that spent his entire career with the Oxnard Police Department, Chief Whitney has developed countless friendships and partnerships within our City; and

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to commend, recognize and extend its gratitude to Chief of Police Scott Whitney for over thirty years of exemplary service to the City of Oxnard and extends best wishes for a well-deserved and fulfilling retirement with family and friends.

PASSED AND ADOPTED this 1st day of December, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Tim Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

 11/19/202

Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT
REPORT OF CITY MANAGER/EXECUTIVE
DIRECTOR/SECRETARY
AGENDA ITEM NO. F.3

DATE: December 1, 2020

TO: City Council

FROM: Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

SUBJECT: List of City Manager Approved Contracts - Informational Only. (5/5/5)

RECOMMENDATION

That the City Council receive and file the list of City Manager approved contracts for the period July 1, 2020 through November 19, 2020.

BACKGROUND

On June 12, 2018, the City Council approved Ordinance No. 2943 changing the City's purchasing Procedures. Ordinance No. 2943 increased the threshold for City agreements/contracts, change orders/amendments and purchase orders allowing the City Manager to award and execute any procurement contract or purchase order up to \$200,000 annually. Additionally, the City Manager may execute any amendment that, collectively with the original purchase order or contract and all amendments thereto, does not exceed \$200,000 annually. The attached list of contracts, purchase orders and amendments meet the criteria of amounts of being between \$101,000 to \$200,000 annually (including all prior amendments) for the period between July 1, 2020 through November 19, 2020.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to strengthen and stabilize the organizational foundation of the City in the areas of Finance, Information Technology, and Human Resources, and to improve workforce quality while increasing transparency to the public. This item supports the following goals and objectives:

Goal 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Luly Lopez, Executive Assistant I

ATTACHMENTS

1. Contract List July 1, 2020 through December 31, 2020

City Manager Contract List - July 1, 2020 - November 19, 2020
Contracts from \$101,000 to \$200,000 Annually

	Date	Vendor	Purpose	Value of Item Signed	Total Value
1	7/9/2020	Kennedy/Jenks Consultants, Inc. (A-8154)	Task order (pursuant to prior City Council contract approval) for utility infrastructure capacity study for the Oxnard Downtown Code Plan	\$152,620.00	\$750,000.00
2	7/15/2020	Interwest Consulting Group, Inc. (A-8170)	Task order (pursuant to prior City Council contract approval) for on-call traffic engineering services	\$186,000.00	\$1,000,000.00
3	7/20/2020	Crowdstrike, Inc.	Purchase order for continued antivirus software security of Citywide network for FY2020-21	\$133,032.00	\$133,032.00
4	7/23/2020	GovQA, LLC (8954-20-CC)	Five Year License Agreement for Public Records Act request software	\$163,745.00	\$163,745.00
5	8/10/2020	Toro Enterprises, Inc. (A-8131)	Task order (pursuant to prior City Council contract approval) for wastewater north area tank drainage line repair	\$199,996.25	\$4,500,000.00
6	8/10/2020	Toro Enterprises, Inc. (A-8131)	Task order (pursuant to prior City Council contract approval) for repair of natural gas line that services the Wastewater plant's co-generation facility	\$143,719.43	\$4,500,000.00
7	8/12/2020	Toter, LLC	Purchase order for residential trash carts and appurtenant replacement parts	\$150,000.00	\$150,000.00
8	8/12/2020	Natural Green Landscape, Inc. (A-8208)	Landscape maintenance purchase order for various City facilities, e.g., AWPF	\$116,200.00	\$356,112.00
9	8/28/2020	New City America (8525-19-CM)	First Amendment to Professional Services for continued revitalization services for the downtown	\$90,000.00	\$180,000.00
10	8/28/2020	Caltrans	Caltrans Program Supplement Agreement to secure grant funding for Etting Road Bicycle and Pedestrian Facilities Project	\$120,000.00	\$120,000.00
11	8/28/2020	Caltrans	Caltrans Program Supplement Agreement to secure grant funding for Oxnard Boulevard Class I Bike Gap Closure Project	\$98,000.00	\$98,000.00
12	9/23/2020	Venco Electric, Inc.	Lighting replacement agreement regarding the Oxnard Trail in Landscape Maintenance District Nos. 39 (El Sueno Promesa/D. R. Horton) and 46 (Daily Ranch)	\$173,536.00	\$173,536.00
13	9/25/2020	BPR, Inc. (A-8187)	Task order (pursuant to prior City Council contract approval) for sidewalk grinding services for the landscape maintenance districts	\$155,000.00	\$800,000.00
14	9/29/2020	iii-interactive, LLC (9020-20-CM)	27 month agreement for on-call digital median and optimization services	\$50,000.00	\$50,000.00
15	10/8/2020	W. W. Grainger, Inc.	Purchase order to procure a wide variety of goods at discounted government rates	\$100,000.00	\$200,000.00
16	10/15/2020	Armet, Davis, Newlove Architects, Inc. (8870-20-PW)	First Amendment to Professional Services Agreement for design services for the South Oxnard Branch Library	\$33,900.00	\$126,844.00

17	10/15/2020	Fastenal Company	Purchase order for procurement of a wide variety of maintenance and hardware supplies for Streets, Environmental Resources and Fleet Divisions	\$100,000.00	\$200,000.00
18	10/27/2020	Exeloo Corporation	Purchase order for prefabricated self-cleaning automatic public toilet for Community Center Park East	\$189,868.00	\$189,868.00
19	10/29/2020	Caltrans	Caltrans sustainable communities grants (State-SB1) restricted grant agreement. City Council Resolution No. 15,260 authorizes City Manager to sign.	\$410,000.00	\$410,000.00
20	11/10/2020	Robert Half Accountemps (8863-19-FN)	Third Amendment to Intergovernmental Cooperative Purchasing Agreement's Participating for temporary staffing in Finance.	\$50,000.00	\$150,000.00



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.1**

DATE: December 1, 2020

TO: City Council

FROM: Michelle Ascencion, City Clerk, (805) 385-7805, michelle.ascencion@oxnard.org

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the November 17, 2020 regular meeting as presented.

BACKGROUND

Not applicable.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016. This agenda item does provide transparency of Council meetings to the public.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Michelle Ascencion, City Clerk

ATTACHMENTS

1. Minutes 11.17.2020 CC,FA,HA,SA regular meeting

MINUTES
 OXNARD CITY COUNCIL
 Regular Meeting
 November 17, 2020

A. ROLL CALL, POSTING OF AGENDA

At 4:35 p.m., Mayor Flynn called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Financing Authority, Oxnard Housing Authority, and Oxnard Community Development Successor Agency) in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Vianey Lopez, Bryan A. MacDonald, Oscar Madrigal, Bert E. Perello, Mayor Pro Tem Carmen Ramirez, and Mayor Tim Flynn were present via videoconference. Housing Commissioners Jose Andrade and Francisco Vega were absent.

Staff members present were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; Kenneth Rozell, Chief Deputy City Attorney; Ashley Golden, Assistant City Manager; and Michelle Ascencion, City Clerk.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 (Government Code section 54956.9(d)(2))
 Based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case.
 Legislative Body: City Council

The City Attorney read the following closed session statement: “The City Council will recess to a closed session pursuant to Government Code section 54956.9(d)(2), based on existing facts and circumstances, there is significant exposure to litigation against the City in one potential case regarding retail cannabis permits.”

Mayor Flynn announced that items D-1, D-2, and D-3 are removed from the agenda.

At 4:38 p.m., the City Council recessed to a closed session. At 6:04 p.m. the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

D. APPOINTMENT ITEM

Public Works Department

1. SUBJECT: Award Contract for Hueneme Road Recycled Water Pipeline Phase II (Rebid) PW 17-42R.

(This item was removed from the agenda.)

2. SUBJECT: Award Contract for Aquifer Storage and Recovery (ASR) Completion Project PW 20-08R.

(This item was removed from the agenda.)

Finance Department

3. SUBJECT: 2020 Water Revenue Bonds. [Financing Authority]

(This item was removed from the agenda.)

E. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

Additional staff members present at this time were Tatiana Arnaout, City Engineer; Kathleen Mallory, Planning and Sustainability Manager; Jeff Pengilley, Interim Community Development Director; Phillip Molina, City Treasurer; Christine Williams, Senior Manager of Internal Controls; Alexander Hamilton, Interim Fire Chief; Adam Smith, Project Manager; Emilio Ramirez, Housing Director; and Shiri Klima, Deputy City Manager.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from James Aragon (elected offices), Walter Snyder (complaint about his car being towed), Ray Blattel (truck routes), and Larry Barbarine (upcoming departures and incoming elected officers, construction equipment safety/oversight, opportunity zones). Written comments were received from Ray Blattel (truck routes) and Walter Snyder (evictions moratorium).

G. REPORT OF CITY MANAGER

City Manager Department

1. SUBJECT: COVID-19 Update from Director of Emergency Services.
RECOMMENDATION: That the City Council receive and file an update from the Director of Emergency Services on the COVID-19 Local Emergency.

The City Manager gave a progress report on the City's COVID-19 response. No formal action was required.

H. CITY COUNCIL REPORTS

Councilmember Lopez commented on COVID-19 testing, thanked city staff for their hard work, and shared Thanksgiving wishes.

Councilmember Perello shared Thanksgiving wishes, commented on COVID-19 safety, inquired about construction equipment safety and oversight, and expressed condolences to the family of Terrel Harrison Sr.

Mayor Pro Tem Ramirez expressed condolences to the family of Terrel Harrison Sr., congratulated Chief Whitney on his retirement and Assistant Chief Benites on his promotion to Chief of Police, and commented on Measure E, the COVID-19 surge, supporting local businesses, the importance of wearing masks and testing, and safety during the upcoming Thanksgiving holiday.

Councilwoman Basua thanked city staff for recent infrastructure repairs, congratulated the outgoing and incoming Police Chiefs, expressed condolences to the family of Terrel Harrison Sr., and shared Thanksgiving wishes.

Councilmember Madrigal expressed condolences to the family of Terrel Harrison Sr., congratulated the outgoing and incoming Police Chiefs, and commented on celebrating Thanksgiving safely.

Mayor Flynn expressed gratitude during the Thanksgiving season, congratulated newly elected officials and the outgoing and incoming Police Chiefs, expressed hope for resuming Veterans Day celebrations next year, and shared Thanksgiving wishes.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-3 and K-10 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

Public comments were received from Dona Lacayo, James Aragon, Dan Peragallo, Pat Brown, Walter Hagedohm, Michael Hoch, Rob Zeilon, Alfred English, Angela Slaff, Robert Murphy, Diane Delaney, and Marcie Hoch. Written comments were received from Alfred English, Peter and Catherine Fleming, Deirdre Frank, Karen and Dave Brooks, Neal Berger, Robert Zeilon, Robert Murphy, and Ted Kuepper.

K. INFORMATION/CONSENT AGENDA

City Clerk Department

1. SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the October 20, 2020 regular meeting as presented.

City Manager Department

2. SUBJECT: Third Amendment to Exclusive Negotiation Agreements between the City of Oxnard and Clear Channel Outdoor, LLC and between the City of Oxnard and Outfront Foster Interstate, LLC, both regarding potential digital billboard sites on City-owned property and rights-of-way along U.S. Highway 101.
RECOMMENDATION: That the City Council authorize the Mayor to execute a Third Amendment to Exclusive Negotiation Agreement:
 1. Between the City of Oxnard and Clear Channel Outdoor, LLC regarding potential digital billboard sites on City-owned property and rights-of-way on the north side of U.S. Highway 101 between Rose Avenue and Del Norte Boulevard and the south side of U.S. Highway 101 between Vineyard Avenue and Rice Avenue; and

2. Between the City of Oxnard and Outfront Foster Interstate, LLC regarding potential digital billboard sites adjacent to RiverPark Boulevard near Vineyard Avenue (APN 132-003-301) and City-owned property and right-of-way on the north side of U.S. Highway 101 between Vineyard Avenue and Rose Avenue.

(Housing and Economic Development Committee to hear this item on November 10, 2020)

Community Development Department

3. SUBJECT: Second Reading and Adoption of Ordinance No. 2986 - Amending Section 17-53 of the Oxnard City Code (OCC) consistent with the California Coastal Commission's (CCC) modifications suggested for final certification relating to Vacation Rental Permit Cap, Separation Requirement and Ineligible Dwellings, Structures and Spaces into the City's Short Term Rental regulations for the Coastal Zone; agree to issue Coastal Development Permits for the total area included in the certified Local Coastal Plan (LCP), and direct the Planning & Environmental Services Manager to transmit said Ordinance to the CCC Executive Director as requested.

RECOMMENDATION: That the City Council:

1. Receive the California Coastal Commission's (CCC) Action Letter of Local Coastal Plan (LCP) Amendment No. LCP-4-OXN-20-0008-1 (See Attachment 1) and the Planning Commission's adopted Resolution 2020-15 (See Attachment 2) recommending that the City Council accept three modifications recommended by the CCC;
2. Find the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060 (C)(2) and (3) and 15061(b)(3) of the CEQA Guidelines;
3. Adopt **Resolution No. 15,392** (See Attachment 3) (1) acknowledging receipt of the CCC's Resolution of certification, including any terms or modifications suggested for final certification; (2) accepts and agrees to any such terms and modifications and takes whatever formal action is required to satisfy the terms and modifications; and (3) agrees to issue Coastal Development Permits for the total area included in the certified Local Coastal Program, and adopts the LCP Amendment with the suggested modifications;
4. Approve for second reading (by title only and waive further reading) and adoption of **Ordinance No. 2986** (See Attachments 4) in regards to amending Section 17-53 of the OCC consistent with the CCC's modifications suggested for final certification relating to Vacation Rental Permit Cap, Separation Requirement and Ineligible Dwellings, Structures and Spaces into the City's Short Term Rental regulations for the Coastal Zone; agree to issue Coastal Development Permits for the total area included in the certified LCP, and
5. Direct the Planning & Environmental Services Manager to transmit said Resolution and Ordinance to the CCC Executive Director as requested.

City Manager Department

4. SUBJECT: First Amendment to Tyler Technologies Software as a Service "SaaS" Agreement (A-8767) to Remove the Bid Management Module from the Scope of Services; Delegation of Authority for Future Tyler Technologies Deductive Amendments.

RECOMMENDATION: That the City Council:

1. Approve and authorize the City Manager to execute a First Amendment with Tyler Technologies Software as a Service "SaaS" Agreement resulting in a contract savings of \$34,280; and

2. Authorize the City Manager to approve and execute all future deductive amendments to this SaaS Agreement.

Human Resources Department

5. SUBJECT: A Resolution of the City Council of the City of Oxnard Amending Resolution No. 15,357, Authorizing Full-Time Equivalent Positions Pursuant to Chapter 4 of the City's Personnel Rules and Regulations for Enterprise Resource Planning (ERP) System Positions Previously Approved and Budgeted in the Fiscal Year 2020/2021 Budget by the City Council.
RECOMMENDATION: That the City Council approve **Resolution No. 15,393** amending Resolution No. 15,357 of the City of Oxnard (commonly referred to as "The Position Control Resolution," which authorizes all full-time equivalent positions for the 2020/2021 fiscal year), for the Enterprise Resource Planning System (ERP) implementation project.

Police Department

6. SUBJECT: High Tech Task Force Agreement.
RECOMMENDATION: That the City Council approve and authorize the City of Oxnard Purchasing Manager to execute a two-year agreement (Agreement 8992-20-PO) with the Ventura County Sheriff's Office (VCSO) for High Tech Task Force services, in an amount not to exceed \$100,000 annually. (Public Safety Committee approved 3-0)

Public Works Department

7. SUBJECT: Purchase Orders to McLaughlin Waste Equipment, Inc. and Confab Manufacturing Company, LLC. for Purchase of Metal Refuse Containers.
RECOMMENDATION: That the City Council authorize the Mayor to execute:
 1. Purchase Order 7878 with McLaughlin Waste Equipment, Inc. for an amount not to exceed \$1,095,000 for a three (3) year term for purchase of metal refuse containers; and
 2. Purchase Order 7879 with Confab Manufacturing Company, LLC. for an amount not to exceed \$105,000 for a three (3) year term for purchase of metal refuse containers.(Public Works and Transportation Committee approved 3-0)
8. SUBJECT: Purchase Order to Exeloo Corporation for Prefabricated Automatic Public Toilet Restroom Facilities.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Purchase Order No. 7877 and single source authorization with Exeloo Corporation for \$569,604 for the purchase of three (3) prefabricated Automatic Public Toilet restroom facilities for Del Sol Park, Seaview Park, and Pleasant Valley Park.
9. SUBJECT: Purchase Order to Eagle Aerial Photography, Inc. for Water Conservation Software.
RECOMMENDATION: That the City Council approve and authorize the City Manager to execute Purchase Order 7869 and sole source authorization with Eagle Aerial Photography, Inc. for a three-year term in the amount of \$126,675 for a subscription to WaterView, water conservation software. (Public Works and Transportation Committee approved 3-0)

10. SUBJECT: Harbour Island Homeowners Association Donation to Waterways Zone 2 Harbour Island Assessment District.
RECOMMENDATION: That the City Council approve and authorize the Mayor and City Manager to:
1. Authorize Agreement A-8242 for the donation of \$4,853.37 from the Harbour Island Homeowners Association towards the costs of water quality testing and analysis associated with the Channel Islands Water Quality; and
 2. Approve a budget appropriation to recognize the donation and use of funds in the Waterways Zone 2 Harbour Island Fund (177).
11. SUBJECT: Grant Applications for FEMA's Building Resilient Infrastructure and Communities (BRIC) Program.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,394**:
1. Authorizing the City Manager to submit applications for \$29,905,000 in grant funds to the California Governor's Office of Emergency Services (Cal OES) to be used for the Mandalay Bay Seawalls Structural Retrofit Project, the Arterial Street Cast Iron Pipe and Asbestos Pipe Replacement Project, the 45-inch Diameter Water Transmission Main Replacement Project, and the Data Center for Disaster Recovery Project (each grant will cover 75% of the total project cost and have a match requirement of 25% of total project cost); and
 2. Authorizing the City Manager or the Public Works Director to execute grant agreements and provide the assurances and agreements required by Cal OES pertaining to open and future disaster assistance grants for a period of three years.
12. SUBJECT: Channel Islands Beach Community Services District Third Amendment for Wastewater Transportation and Treatment Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Third Amendment to Agreement A-7864 with Channel Islands Beach Community Services District to extend the term from December 31, 2020 to December 31, 2022 for wastewater transportation and treatment services. (Public Works and Transportation Committee approved 3-0)
13. SUBJECT: Amendment of Designated Heavy Container (Oversized Vehicles) Corridors.
RECOMMENDATION: That the City Council adopt **Resolution No. 15,395**, pursuant to Oxnard City Code Section 19-242, amending the list of Routes that may be used for transportation of Heavy Containers by adding the following road segments:
1. Fifth Street from Rose Avenue to Rice Avenue;
 2. Rose Avenue from Third Street to Fifth Street;
 3. Third Street from Juanita Avenue to Rose Avenue.
- (Public Works and Transportation Committee approved 3-0)
14. SUBJECT: Third Amendment with Aquatic Bioassay & Consulting Laboratories, Inc. for Ocean Monitoring and Testing Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a Third Amendment to Agreement A-8093 with Aquatic Bioassay & Consulting Laboratories, Inc. in the amount of \$963,093 for a new not to exceed contract amount of \$2,123,026 and to extend the term from June 30, 2021, to November 30, 2023, for ocean monitoring and testing services. (Public Works and Transportation Committee approved 3-0)

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the Information/Consent items as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

L. PUBLIC HEARINGS

Public Works Department

1. SUBJECT: Amendments to Chapter 18 (Floodplain Management) of the Oxnard City Code. RECOMMENDATION: That the City Council approve the first reading (by title only) of an ordinance amending various sections of Chapter 18 (Floodplain Management) of the Oxnard City Code to comply with the current California Model Floodplain Management Ordinance. (Public Works and Transportation Committee approved 3-0)

The City Clerk announced the affidavit of publication and stated that one written communication had been received. The City Engineer gave a report.

Mayor Flynn opened the public testimony portion of the public hearing. Public comments were received from Walter Hagedohm. Written comments were received from Walter Hagedohm.

With no further requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

Community Development Department

2. SUBJECT: The Village Specific Plan (AKA “Wagon Wheel Specific Plan”) Amendment, Tentative Tract Map Revision, Development Agreement Amendment, and certification of Addendum to Final Environmental Impact Report (FEIR) No. 06-03 and Supplemental Environmental Impact Report (SEIR) 14-01. Located in The Village Specific Plan area generally bounded by the Ventura Freeway (Highway 101) to the north, Oxnard Boulevard to the east, the Union Pacific Railroad (UPRR) and El Rio Drain to the south, and North Ventura Road and the Santa Clara River to the west.
RECOMMENDATION: That the City Council:
 1. Conduct a public hearing;
 2. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 19-630-01 (Specific Plan Amendment No. 2 to The Village Specific Plan) for map and text amendments to The Village Specific Plan (“Specific Plan”), subject to certain findings;
 3. Adopt **Resolution No. 15,396** approving Planning and Zoning Permit No. 19-300-01 (Revision to Tentative Subdivision Map for Tract No. 5745), subject to certain findings and conditions;
 4. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-670-02 (Second Amendment to Development Agreement No. A-

- 7122) between the City of Oxnard and Oakwood Communities, Inc. or Successor, subject to certain findings; and
5. Certify an Addendum to FEIR No. 06-03 and SEIR No. 14-01.

The City Clerk announced the affidavit of publication and stated that no written communications had been received.

The Planning and Sustainability Manager gave a report. Applicant Corey Harpole of Oakwood Communities gave a presentation.

Mayor Flynn opened the public testimony portion of the public hearing. With no requests to speak and without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

M. REPORTS

City Treasurer

1. SUBJECT: Quarterly Investment Report for the period ending September 30, 2020.
RECOMMENDATION: That the City Council receive and file the quarterly investment report.

The City Treasurer gave a report. Public comments were received from James Aragon. Discussion ensued among the Council and Mr. Molina. No formal action was required.

Finance Department

2. SUBJECT: Presentation on the Corrective Action Plan.
RECOMMENDATION: That the City Council receives an update on the Corrective Action Plan (CAP).

The Senior Manager of Internal Controls gave a report. Discussion ensued among the Council and staff. No formal action was required.

Fire Department

3. SUBJECT: Ambulance Consulting Agreement.
RECOMMENDATION: That City Council approve and authorize the City Manager to execute a First Amendment with AP Triton Consulting, LLC (Agreement No. 9027-20-FI) to increase the amount by \$95,000 for a total contract amount not to exceed \$157,000, to conduct an ambulance feasibility study and provide consultation for ambulance services and billing, and to extend the term to January 31, 2022. (Public Safety Committee approved 3-0)

The Interim Fire Chief gave a report. Public comments were received from Ray Blattel. Written comments were received from Ray Blattel. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilman MacDonald, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

Community Development Department

4. SUBJECT: Exclusive Negotiating Agreements for Downtown Successor Agency Owned Parcels.

RECOMMENDATION: That the Oxnard Community Development Commission Successor Agency:

1. Authorize the Executive Director or designee to execute Agreement No. A-8246 with Many Mansions for the parcel located at 538 S. Meta Street; and
2. Authorize the Executive Director or designee to execute Agreement No. A-8247 with the City Housing Authority for the parcel located at 544 Meta Street and parcel APNs 201-0-272-030, 201-0-272-020, and 201-0-213-130.

That the Housing Authority Board of Commissioners authorize the Housing Director to execute Agreement No. A-8247 with the Successor Agency for the parcel located at 544 Meta Street and parcel APNs 201-0-272-030, 201-0-272-020, and 201-0-213-130.

(Housing and Economic Development Committee heard this item on November 10, 2020)

The Project Manager gave a report. Public comments were received from Pat Brown. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Mayor Pro Tem Ramirez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

(As it was after 10:00 p.m., the City Council voted unanimously for the following item to be heard.)

City Manager Department

5. SUBJECT: Contract for On-Call Internal Auditing Services.

RECOMMENDATION: That the City Council award and authorize the Mayor to execute a \$25,000 contract for on-call internal auditing services with Vasquez & Company LLP.

The Deputy City Manager gave a report. Discussion ensued among the Council and staff.

It was moved by Councilman MacDonald, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Basua, Flynn, Lopez, MacDonald, Madrigal, Perello, and Ramirez voted in favor; the motion carried 7-0.

N. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Flynn adjourned the meeting at 10:21 p.m.

MICHELLE ASCENCION, CMC
City Clerk

TIM FLYNN
Mayor

DRAFT



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.2**

DATE: December 1, 2020

TO: City Council

FROM: Jeff Pengilly, Interim Community Development Director, (805) 385-8208, jeff.pengilly@oxnard.org

SUBJECT: Second Reading and Adoption of Ordinance No. 2987 and No. 2988 - The Village Specific Plan (AKA "Wagon Wheel Specific Plan") Amendment, Development Agreement Amendment, and certification of Addendum to Final Environmental Impact Report (FEIR) No. 06-03 and Supplemental Environmental Impact Report (SEIR) 14-01. Located in The Village Specific Plan area generally bounded by the Ventura Freeway (Highway 101) to the north, Oxnard Boulevard to the east, the Union Pacific Railroad (UPRR) and El Rio Drain to the south, and North Ventura Road and the Santa Clara River to the west.

RECOMMENDATION

That the City Council:

1. Approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2987 in regards to approving Planning and Zoning Permit No. 19-630-01 (Specific Plan Amendment No. 2 to The Village Specific Plan) for map and text amendments to The Village Specific Plan ("Specific Plan"), subject to certain findings; and
2. Approve for second reading (by title only and waive further reading) and adoption of Ordinance No. 2988 in regards to approving Planning and Zoning Permit No. 20-670-02 (Second Amendment to Development Agreement No. A-7122) between the City of Oxnard and Oakwood Communities, Inc. or Successor, subject to certain findings.

BACKGROUND

Ordinance No. 2987 and No. 2988 were introduced to the City Council at its November 17, 2020 meeting. Following a public hearing, the Council approved the first reading of the ordinances for future adoption. If adopted by Council on December 1, 2020 the ordinances will take effect in thirty days, on December 31, 2020.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Goal 3. Strengthen neighborhood development, and connect City, community and culture.

Objective 3a. Create a renewed focus on establishing a positive outlook and orientation of our City, neighborhoods and overall community.

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to establish, preserve and improve our infrastructure and natural resources through effective planning, prioritization, and efficient use of available funding. This item supports the following goals and objectives:

Goal 4. Ensure proper construction and maintenance of infrastructure to provide maximum benefit with lowest life cycle cost following CIP plans.

Goal 5. Ensure orderly development and long-range conservation and management of our natural resources and coastal assets.

FINANCIAL IMPACT

The proposed Development Agreement Amendment will lock the development impact fees to pre-May 2020 rates or offset the fee increases in the form of fee credits. The fee credits offset the Developer's actual costs associated with construction of the related improvements (drainage, park, MUP, and bridge improvements).

The request represents a reduction in approximately \$5.8M in development impact fee revenue to the City. However, the City will secure public improvements or bonding for public improvements. This will result in a net public benefit. Examples of public benefit improvements include the floodwalls, Ventura Road off-ramp, public parks, the MUP, the pedestrian bridge over Oxnard Boulevard, and the MUP extension beneath Highway 101. All these improvements will be constructed by the Developer prior to final buildout of the project.

COMMITTEE OUTCOME

This is a Public Hearing and was approved 5-0 by the Planning Commission, therefore this item did not originate in Committee.

Prepared by: Kathleen Mallory, Planning & Sustainability Manager, Heather Davis, Contract Planner

ATTACHMENTS

1. Specific Plan Amendment Ordinance no. 2987
2. Development Agreement Ordinance no. 2988

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2987

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 19-630-01 (SPECIFIC PLAN AMENDMENT NO. 2 TO THE VILLAGE SPECIFIC PLAN) TO AMEND THE LAND USE PLAN AND TEXT WITHIN THE VILLAGE SPECIFIC PLAN, AND CERTIFYING ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT NO. 06-03 AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. 2014-01 FOR THE VILLAGE SPECIFIC PLAN, LOCATED NEAR THE NORTHWESTERN EDGE OF THE CITY OF OXNARD, AND BOUNDED BY HIGHWAY 101 TO THE NORTH, OXNARD BOULEVARD TO THE EAST, THE UNION PACIFIC RAILROAD AND EL RIO DRAIN TO THE SOUTH, AND NORTH VENTURA ROAD TO THE WEST. FILED BY COREY HARPOLE, OXNARD CRFL PARTNERS, LLC, 64 MAXWELL, IRVINE, CALIFORNIA, 92618.

WHEREAS, in January 2009 The City Council approved the entitlements for The Village Specific Plan to guide future development on the 62-acre project site; and

WHEREAS, in March 2016, the City Council approved Specific Plan Amendment (SPA) No. 1 to The Village Specific Plan to create a Transit Center Overlay (TCO) Zone within the Specific Plan Land Use plan; and

WHEREAS, on October 29, 2020 the Planning Commission of the City of Oxnard voted 5:0 (one commissioner absent) to approve Resolution No. 2020-17 recommending that the City Council adopt an ordinance approving Planning and Zoning Permit No. 19-630-01 (Specific Plan Amendment No. 2) for map and text amendments to Sections 2.2, 2.2.1, 2.2.2, 2.3.1, 2.4.3, 2.5.3, 4.1.1, 4.1.3, 4.2.1, 4.2.2, 4.2.3, 4.2.5, 4.4, 4.4.2, 4.4.4, 5.4.1, 5.4.2.1, 5.4.2.2, 6.9.2, 6.9.3, 7.2.3.2, 7.2.3.5, and 8.7.2.1; Tables 2.2, 2.3 and 2.4; and Figures 2.1, 2.6, 3.5, 4.2, 5.8 and 5.9 of The Village Specific Plan to change the land use designation for Planning Areas (PA) 1 and 14 to Parks & Open Space and PA 6 to High Density; revise planning area boundaries; remove the Live/Work (L/W) land use, update the Land Use Table 2.2, reduce the maximum height for the High Rise; revise park amenities; and add an administrative process for reviewing minor modifications to The Village Specific Plan within the project area (herein referred to as the **“Project area”**); and

WHEREAS, in September 2008 the City Council certified Final Environmental Impact Report (FEIR) No. 2006-03 (State Clearinghouse No. 2006101099). The FEIR was prepared to analyze potential impacts associated with the approval and the implementation of The Village Specific Plan and the anticipated build out of the 62-acre specific plan site; and

WHEREAS, in July 2015 the City Council certified Supplemental Environmental Impact Report (SEIR) No. 14-01 for the Tentative Tract Map (TTM) for Tract No. 5745 of The Village Specific Plan, to address changes in environmental conditions which were not known and could not have been known at the time the City certified FEIR No. 06-03; and

WHEREAS, an EIR Addendum was prepared to summarize the site specific technical

Ordinance No. _____ [Specific Plan Amendment No. 2]

PZ 19-630-01

Page 2 of 4

clarifications with respect to aesthetic, biology, flood zone, open space and traffic impacts associated with the proposed TTM Revision, SPA and Development Agreement Amendment (DAA). The EIR Addendum concluded that aesthetic, biology, flood zone, open space and traffic impacts would remain less than significant upon compliance with the proposed Tract conditions of approval and Mitigation Measure in the FEIR and SEIR. No additional mitigation measures are required. The proposed conditions of approval would not result in any new significant impacts or increase the severity of any significant impact identified in the FEIR and SEIR; and

WHEREAS, in accordance with Section 15164 of the California Code of Regulations, the Planning Division has determined that minor changes are proposed to the project for which an FEIR and SEIR were previously certified; and that an Addendum is the appropriate environmental document to evaluate the minor changes in the Project, and has prepared an Addendum thereto because the proposed changes to the original specific plan, TTM and DA would not result in any new additional significant impacts, nor would they substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the Project are within the envelope of impacts addressed in the Certified FEIR and SEIR and do not constitute a new or substantially increased significant impact; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing that the following circumstances exist:

1. As outlined in Section 6(b) of the Planning Commission Staff report, the proposed Specific Plan Text and Map Amendment is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard;
2. As outlined in Section 6(c) of the Planning Commission Staff report, the proposed Specific Plan Text and Map Amendment is a logical refinement and internally consistent with the adopted Village Specific Plan; and
3. As determined in the Addendum to FEIR No. 06-03 and SEIR No. 14-01, the proposed Specific Plan Text and Map Amendment will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare;
4. As outlined in Section 6(c) of the Planning Commission Staff report, the proposed Specific Plan Text Amendment conforms to adopted City standards and constitutes good City planning.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

SECTION 1. Planning and Zoning Permit No. No. 19-630-01 (Specific Plan Amendment No. 2 to Village Specific Plan) to amend Sections 2.2, 2.2.1, 2.2.2, 2.3.1, 2.4.3, 2.5.3, 4.1.1, 4.1.3, 4.2.1, 4.2.2, 4.2.3, 4.2.5, 4.4, 4.4.2, 4.4.4, 5.4.1, 5.4.2.1, 5.4.2.2, 6.9.2, 6.9.3, 7.2.3.2, 7.2.3.5, and

Ordinance No. _____ [Specific Plan Amendment No. 2]

PZ 19-630-01

Page 3 of 4

8.7.2.1; Tables 2.2, 2.3 and 2.4; and Figures 2.1, 2.6, 3.5, 4.2, 5.8 and 5.9 of The Village Specific Plan to change the land use designation for Planning Areas (PA) 1 and 14 to Parks & Open Space and PA 6 to High Density; revise planning area boundaries; remove the Live/Work (L/W) land use, update the Land Use Table 2.2, reduce the maximum height for the High Rise; revise park amenities; and add an administrative process for reviewing minor modifications to The Village Specific Plan, subject to mitigations listed in FEIR No. 06-03 and SEIR No. 14-01 for The Village Specific Plan (all amendments as identified within Exhibit A); (ii) certify Addendum to FEIR No. 06-03 and SEIR No. 2014-01 for The Village Specific Plan.

SECTION 2. An Addendum to FEIR No. 06-03 and SEIR No. 2014-01 for the Village Specific Plan is hereby certified. In accordance with State CEQA Guidelines Section 15164 California Environmental Quality Act (CEQA), the proposed changes to the original specific plan, TTM and DA would not result in any new additional significant impacts, nor would they substantially increase the severity of previously anticipated significant impacts addressed in the Certified FEIR and SEIR. With imposition of mitigation measures from the certified 2008 FEIR and the 2015 SEIR, impacts are fully mitigated. Mitigation measures identified in FEIR No. 06-03 and SEIR No. 2014-01 that are relevant to this Project site have been incorporated into the project and compliance with the MMRP is a requirement for approval of this SPA; and

SECTION 3. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on November 17, 2020, and finally adopted on December 1, 2020, to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

Ordinance No. _____ [Specific Plan Amendment No. 2]
PZ 19-630-01
Page 4 of 4

PASSED and ADOPTED this _____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM

Stephen M. Fischer, City Attorney

Exhibit A
Specific Plan Amendment Pages

April 2020

DRAFT 8.1 200312

An Amendment to *The Village*

SPECIFIC PLAN

Specific Plan Amendment No. 2, PZ 19-630-01



City of Oxnard , CA

Prepared for:

Oxnard CRFL Partners /
Oakwood Communities

64 Maxwell, Irvine, CA 92618 (949) 719-9040

Consultants:

Di Cecco Architecture, Incorporated

~~Michael Baker International~~

Huitt Zollars

~~Gibson Transportation~~

2.1 INTRODUCTION

The Land Use Plan provides the basic coordinating elements of this Specific Plan and establishes some of the key development requirements. This Chapter establishes: (1) the proposed land uses for The Village Specific Plan; (2) the general mix, location, size, and total number of residential dwellings, and the size of the commercial uses; (3) the range of permitted uses within the Specific Plan; and (4) the degree of flexibility permitted during construction of the Specific Plan.

2.2 LAND USE CONCEPT

The Village Specific Plan proposes a mix of residential, commercial, recreational, and transit-oriented uses intended to serve a broad range of local and regional users without undermining the surrounding regional commercial market. Figure 2.1 - Land Use Plan and Figure 2.2 - Illustrative Site Plan establish the plan’s conceptual spatial layout and mix of uses, to which all development standards proposed as part of this Specific Plan apply.

The Village Specific Plan envisions 1,500 total residential dwellings, approximately 50,400 square feet of ground floor commercial retail, and approximately 4,000 S.F. of optional office space within the live/work dwellings.

2.2.1 Planning Areas

Areas proposed for development within The Village Specific Plan are differentiated by “Planning Areas” and have been grouped according to form, function, and density. A total of 21 Planning Areas are proposed. They are divided into 7 individual categories, which are intended to allow a variety of uses. The proposed Planning Area categories include:

- **High Density Residential (H):** (15-30 DU/ acre)
- ~~Live/Work (L/W):(18-30 DU/ acre)~~
- **Very High Density Residential (VH):** (30-70 DU/acre)
- **Mixed Use (MU):** (25-70 DU/acre)
- **High Rise (HR):** (70-100 DU/ gross acre)
- **Transit Center Overlay (TCO)**
- **Parks and Open Space (P/OS)**
- **Major Streets**

2.2.2. Location and Characteristics of Planning Areas:

Generally, the residential Planning Areas are spread throughout the Specific Plan in an orientation that creates a logical blend of stand-alone high density multi-family housing; high density mixed-use multi-family housing integrated with ground floor neighborhood commercial retail/office uses; very high density multi-family; and high rise multi-family. Each Planning Area and their representative characteristics are described in detail below.

High Density Residential (H):

The High Density Planning Areas are located in the western area of the Specific Plan. These neighborhoods consist of three-story townhouse and courtyard style building types connected by a network of pedestrian friendly streets. The streets are distinguished by broad sidewalks lined with street trees and landscaped parkways. These dwelling types either front onto a public street or are oriented around a landscaped courtyard. Parking is provided by traditional and tandem two-car garages accessed from an alley.

Please refer to Chapter 4.0 - Residential Development Plan, Chapter 5.0 - Landscape Development Plan, and Chapter 7.0 - Design and Architectural Standards and Guidelines for applicable development standards.

Live/Work (L/W):

The Live Work Planning Area is located in the central area of the Specific Plan, south of the Village Green. This dwelling type has an architectural style and building footprint similar to the three-story townhouses located within the High Density Residential Planning Areas. However, this dwelling type permits the use of the ground floor as retail or office space. A total of 4,000 square feet of optional commercial space is allocated on the ground floor of the Live/Work Planning Area. Parking is provided by traditional two car garages accessed from an alley.

Please refer to Chapter 4.0 - Residential Development Plan, Chapter 5.0 - Landscape Development Plan, and Chapter 7.0 - Design and Architectural Standards and Guidelines for applicable development standards.

Very High Density Residential (VH):

The Very High Density Residential Planning Area was part of the original Specific Plan approval. As part of the April 2020 Amendment, the area for this land use was removed but the design standards for this use remain. To allow this use in the future will require a Specific Plan Amendment and corresponding review of the environmental documents in place.

Please refer to Chapter 4.0 - Residential Development Plan, Chapter 5.0- Landscape Development Plan, and



Land Use Plan

2.3 LAND USE CONSISTENCY

All components of this Specific Plan are consistent with the City of Oxnard General Plan. To the extent possible, the Specific Plan used the General Plan Land Use Designation Map as a guide to establish the individual Planning Areas illustrated on Figure 2.1. However, the overall land use designation for The Village Specific Plan area reflected on the City's General Plan Land Use Map is a single land use termed "Specific Plan".

2.3.1 Planning Areas

The Specific Plan Area is comprised of 21 "Planning Areas" illustrated in Figure 2.1. They include:

PA-1 Parks/Open Space (P/OS)

PA-6: Parks/Open Space (P/OS);

PA 2 through 13: High Density Residential (H);

PA-14: Parks/Open Space (P/OS)

PA-15: Parks/Open Space; (P/OS)

PA-16: High Rise Residential (HR);

PA-17,18, &19: Mixed Use (MU);

PA-20: High Rise Residential (HR): and

PA 21: Very High Density Residential

Transit Center Overlay (TCO) applies to PA 19, 20 and 21 only;

Each Planning Area establishes a specific set of permitted land uses, target densities, square footage, and other development regulations. The Planning Areas are utilized and referred to throughout this Specific Plan as the basic components of development to which all standards, guidelines, and implementation measures apply.

2.4 LAND USE REGULATION

2.4.1 Summary

Section 2.2 and Figure 2.1 describe the character and location of the proposed Planning Areas within The Village Specific Plan.

2.4.2 Planning Area Specifications

Table 2.2 summarizes the gross acreage, target number of dwellings, target density ranges, and commercial square footages (if applicable) within each Planning Area.

2.4.3 Summary of Permitted Uses

Table 2.4 describes the range of permitted uses envisioned within The Village Specific Plan. Permitted Land Uses are entitled uses that, once reviewed by the Development Services Director as part of any formal construction design package, do not generally require discretionary review and approval by the Planning Commission and/or City Council for their inclusion as part of the Specific Plan.

Any proposed uses which are not listed in Table 2.4 may be included within The Village Specific Plan only after administrative approval by the City's Planning Manager, or if appropriate, by the Oxnard Planning Commission or City Council. For a more complete description of administrative review

Land Use Plan

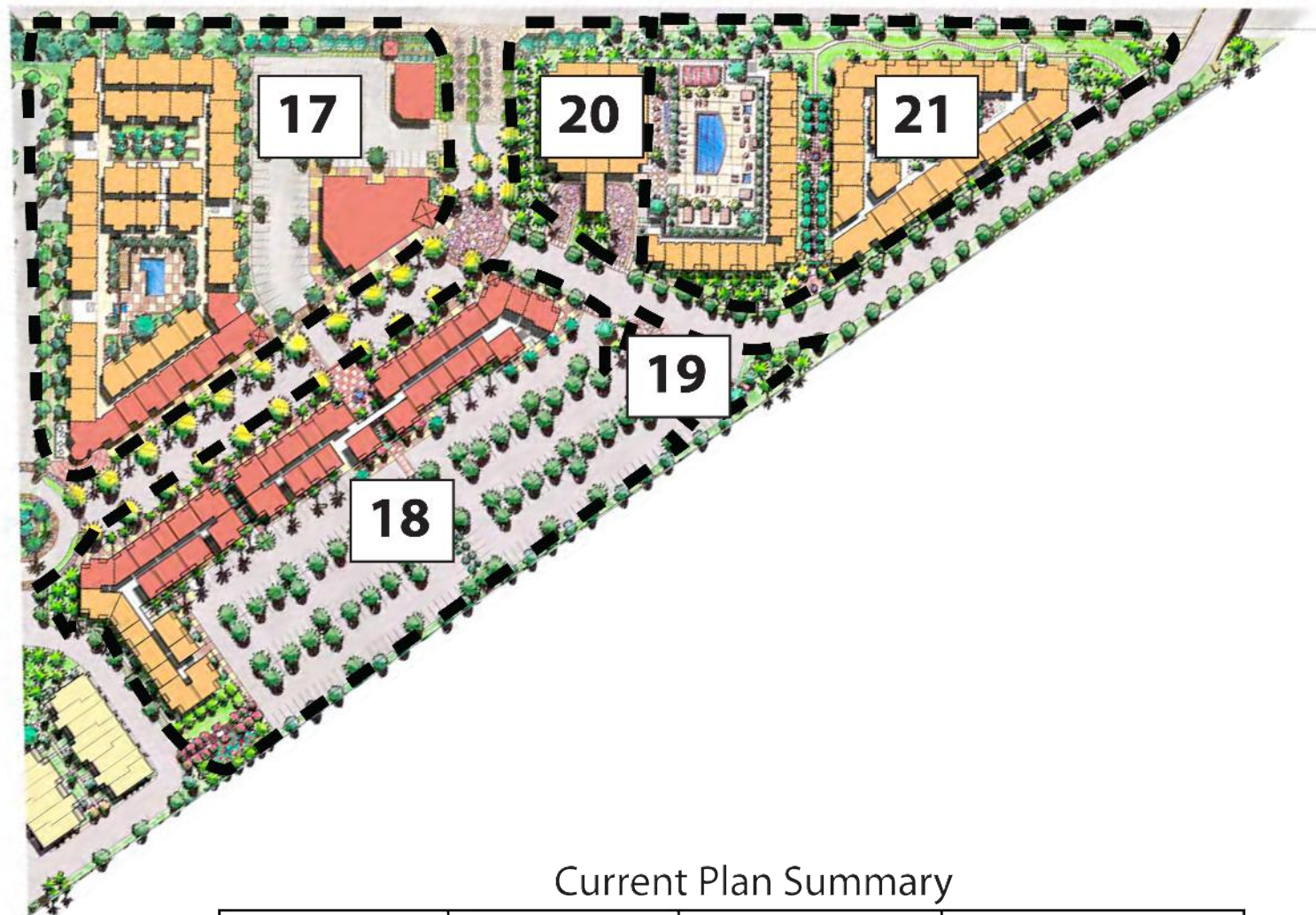
One of two development options may be developed within Planning Areas 17 through 21. They include:

- **Current Development Plan:** as shown in Figure 2.1, Figure 2.2, and in Table 2.2, Planning Areas 17 through 21 propose up to 503 for-sale residential units and up to 46,400 square of commercial uses with subterranean and surface parking; or
- **Development Option A:** as shown in Figure 2.6 and Table 2.2 Planning Areas 17 through 21 propose up to 662 rental residential units with slightly modified building configurations. Under this option, all of the multi-family residential units and ground-floor commercial retail spaces are wrapped around on-grade parking structures. Up to 50,400 square feet of commercial space is proposed under this development option. This option removes the 3rd high-rise tower and consolidates Planning Areas 20 and 21. A total of 238 residential units are proposed as part of Planning Area 17; a total of 219 residential units are proposed as part of Planning Area 18, and a total of 205 residential units are proposed as part of the consolidated Planning Area 20. Parking for Planning Areas 17 through 20 can be provided in above ground parking structures or in a combination of on-grade tuck under parking and surface parking as permitted by the City of Oxnard Planning Department. Note that total number of residential units

proposed as part of Planning Area 16, High Rise, has been reduced from 304 units to 210 under this development option.

Figure 2.6 provides an illustrative side-by-side comparison of the development options described above. Tables 2.2 and 2.3 provide a tabular comparison.

Current Development Plan
Planning Areas: 17, 18, 19, 20, 21



Current Plan Summary

Planning Area	Gross Acreage	Residential Units	Commercial Sq. Ft.
17	3.8	135	16,400
18	4.2	118	30,000
19	0.6	N/A	N/A
20	1.5	138	N/A
21	2.1	112	N/A
Totals	12.2	503	46,400

Option "A"
Planning Areas: 17, 18, 19, 20



Option "A" Summary

Planning Area	Gross Acreage	Residential Units	Commercial Sq. Ft.
17	4.6	238	34,200
18	4.0	219	16,100
19	.55	N/A	N/A
20*	2.5	205	N/A
Totals	11.65	662	50,300

*Note: Option "A" combines Planning Areas 20 and 21 as Very High Rise Residential, removes 3rd high-rise and reduces unit count from 304 to 205 for High Rise Tower located in PA 16.

Land Use Plan

Table 2.2 Land Use Summary

Land Use		Gross Acreage	Target Commercial SF*	Target Unit Count Per Planning Area **
High Density Residential				
Target Density	(15-30 du/ac)			
	Planning Area 2/3	5		117
	Planning Area 4	4		88
	Planning Area 5	1.9		33
	Planning Area 6	2		33
	Planning Area 7/8	3.6		48
	Planning Area 9	2.2		48
	Planning Area 10	4.4		96
	Planning Area 11	2.5		45
	Planning Area 12/13	4.1		120
Subtotals		29.7		628
Transit Center Overlay				
	Overlay on planning areas 19, 20, 21	NA		
Parks and Open Space				
	Parks/Landscape Areas			
	Planning Area 1	2.39		
	Planning Area 14	0.46		
	Planning Area 15	1.52		
	Perimeter/Interior Landscaping	2.22		
Subtotals		6.59		
Mixed Use Development Option "A"				
Target Density	(25-70 du/ac)			
	Planning Area 17	4.6	34200	238
	Planning Area 18	4	16100	219
	Planning Area 19	0.55		
Subtotals		9.15	50300	457
High Rise Residential Development Option "A"				
Target Density	(70-100 du/ac)			
	Planning Area 16	3.3		210
	Planning Area 20	2.5		205
Subtotals		5.8		415
Other				
	Major Streets	10.5		
	Flood Control / private drives	0.61		
Subtotals		11.11		
TOTALS FOR SPECIFIC PLAN AREA		62.35	50300	1500
		acres	square feet	dwelling units

*Commercial square footage can be added or subtracted from each of the Mixed Use Planning Areas under the condition that the total commercial area within the Specific Plan does not exceed 50,300 square feet.

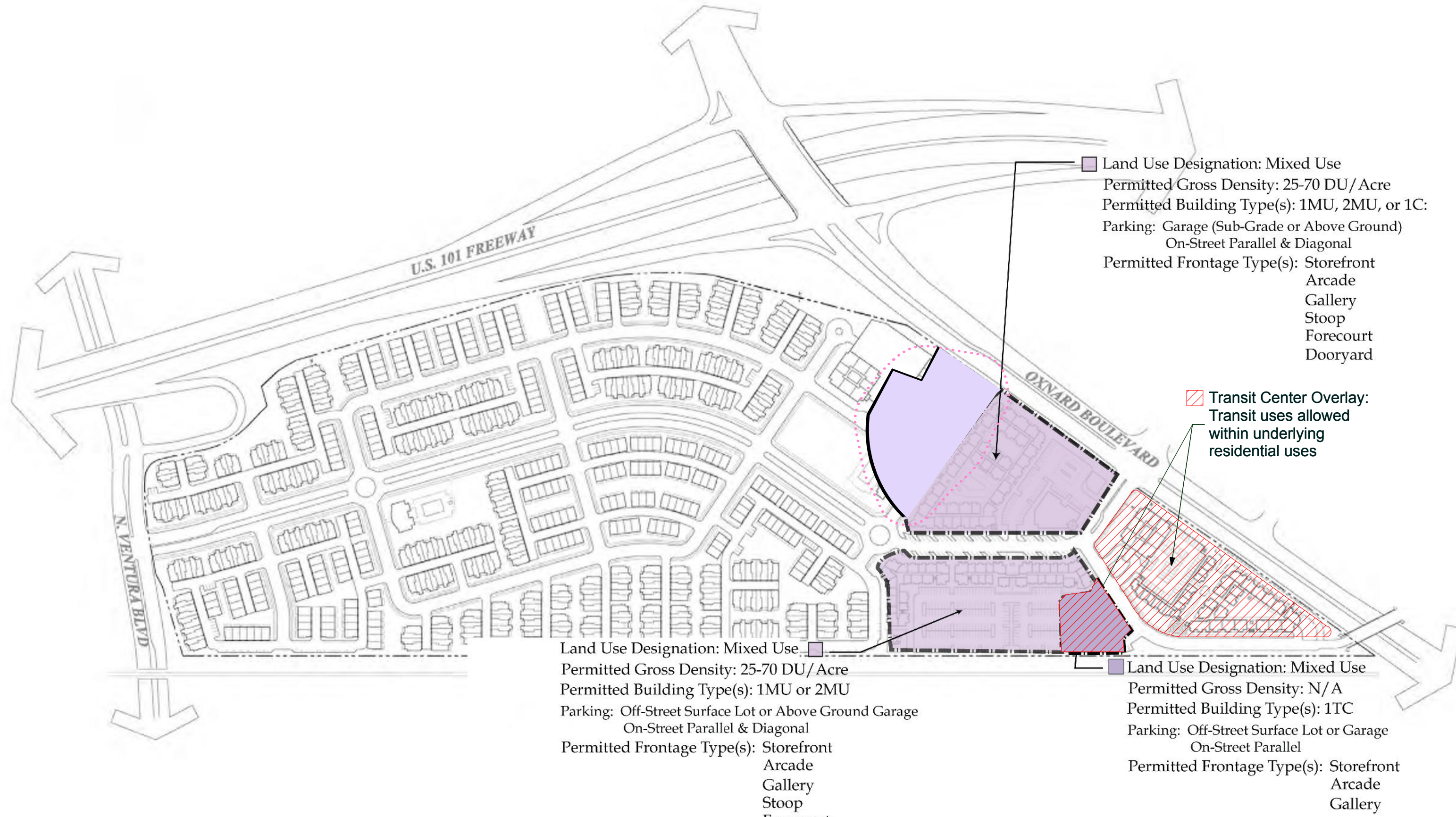
**Units can be added or subtracted from each Planning Area under the condition that the total number of units within the Specific Plan does not exceed 1500 and the maximum density for each Planning Area is not exceeded.

Note: This table replaces Tables 2.2 and 2.3. (Option A is shown on this Table 2.2.)

Land Use Plan

Table 2.4 Summary of Permitted Uses by Land Use Category

PLANNING AREA	ALLOWABLE USES
High Density Residential	- Multi-Family Residential Dwellings at 15-30 DU/Acre - Day care facilities or other civic related uses - Churches
Live/Work	 - Multi-Family Residential Dwellings at 18-30 DU/Acre; Acceptable office/service uses include, but are not limited to: - Professional and administrative offices, including attorneys, engineers, architects, retail, day care facilities, insurance, real estate, and other lower intensity office uses that are not engaged in merchandizing of goods or products - Churches - Similar uses as determined acceptable by the Planning Manager of the City of Oxnard
Very High Density Residential	- Multi-Family Residential Dwellings at 30-70 DU/Acre - Day Care Facilities - Churches
High Rise Residential	- Multi-Family Residential Dwellings at 70-100 DU/Acre - Day Care Facilities - Churches
Mixed Use	- Multi-Family Residential Dwellings uses at a density of 25-70 DU/acre Acceptable office/service uses include, but are not limited to: - Professional and administrative offices, including medical, dental, attorneys, dry cleaner, transportation oriented uses (such as segway-rentals, bicycle rentals, etc.) engineers, architects, insurance, real estate agents, churches, day care facilities, and other offices/services not engaged in merchandizing of goods or products - Multi-Level Parking Structures - Churches - Banks; savings and loan associations and other financial institutions; - Pharmacies engaged primarily in the merchandising of pharmaceutical medical supplies; and Acceptable retail uses include, but are not limited to: - Antique store - Grocery, Fruit or Vegetable Store - Restaurants (including outdoor dining)* - Apparel, clothing store, or boutique retail store - Art studio or gallery - Nightclub/Bar (limited to non-amplified live music)* - Delicatessens and sandwich shops - Electronics, television, and radio store,



Mixed Use Regulating Plan

4.1 INTRODUCTION

4.1.1 Purpose

This Chapter describes the development regulations applicable to the High Density, Very High Density, Live/Work, and High Rise Planning Areas. These “form-based” regulations are intended to facilitate development of the Specific Plan’s residential neighborhoods. Additional development standards are found in Chapter 2: Land Use Plan, Chapter 5: Landscape Development Plan, and Chapter 7: Design and Architectural Standards and Guidelines. All other standards not specifically addressed by this Specific Plan shall be governed by the City of Oxnard Zoning Ordinance and applicable sections of the Municipal Code.

4.1.2 Organization of the Residential Development Plan

This Chapter is organized into five sections, which describe the vision for the residential neighborhoods and the applicable development standards. Section 4.2 describes the desired character for each residential planning area. Section 4.3 describes the mandatory residential design elements for all residential uses. Sections 4.4 and 4.5 define the acceptable building and frontage types. Compliance with the standards and guidelines listed throughout this chapter will help ensure that development conforms to the desired urban design and

architectural quality, and the appropriate building forms.

4.1.3 Applicability

The following Planning Areas are subject to these regulations:

- High Density Planning Areas: PA-1 through 5 and PA-7 through 13;
- Very High Density Planning Area: PA-21;
- Note: This building type requires a Specific Plan amendment to locate within the development plan. See 2.2.2
- High Rise Planning Areas: PA-16 and PA-20.

4.2 DEVELOPMENT CHARACTER

Building types with European and local architectural styles and architectural styles found throughout Oxnard and Ventura County were used as inspiration for the Specific Plan’s residential neighborhoods.

As such, a variety of higher density housing types ranging from three story townhouses to high rise condominiums are planned within walking distance of the mixed-use village core, mass transit, and recreational amenities. Tree-lined, pedestrian-friendly streets and pathways interconnect the neighborhood services with the residential neighborhoods, creating opportunities for continuous pedestrian activity and a reduction in automobile use.

Residential Development Plan

The general characteristics of each residential dwelling type are described below.

4.2.1 High Density Residential (H)

The predominant building form within the High Density residential neighborhoods is the “brownstone” style townhouse typically found in larger American cities along the eastern seaboard. These dwelling types front onto public streets, private landscaped courtyards, or private parks.

Vehicle parking for residents of the High Density Residential Planning Areas is provided by an attached two-car garage (traditional and tandem) accessed from an alley. Additional guest parking is provided along Main Street, the surrounding neighborhood streets, and in designated off-street parking areas.

The High Density Residential Planning Areas encompass approximately 28.0 acres and are bordered on the north by the Ventura (101) Freeway, on the west by North Ventura Road, on the south by Union Pacific Railroad and on the east by the Live/Work, Mixed Use and High Rise Residential Planning Areas.

4.2.2 Live/Work (L/W)

The Live/Work Planning Area begins the transition from the High Density Residential Planning Areas to the higher density Mixed Use Planning Areas. A total of 14 Live/Work units front onto Main Street, opposite the Village Green.

The live work building form is similar to the High Density dwellings; however, each live work dwelling provides the owner with optional ground floor “flex-space” which can be used as a small commercial office/retail space or additional living space. Up to 4,000 square feet of optional workspace is permitted within the Live/Work Planning Area.

Vehicle parking for residents of the Live/Work dwellings is provided by a traditional two car garage accessed from an alley. Additional guest parking is provided along Main Street and the surrounding neighborhood streets.

The Live/Work Planning Area encompasses approximately 0.6 acres.

4.2.3 Very High Density Residential (VH) (Subject to an S.P.A. See 2.2.2)

A courtyard building type is planned for the Very High Density Planning Area. The buildings are up to four stories and include stacked flats and stacked townhouses wrapped around a common courtyard. Parking for residents is provided in two level structured parking garages. Parallel parking along Street “A” provides additional guest parking. The buildings front Oxnard Boulevard and Street “A”.

The Very High Density Residential Planning Area encompasses approximately 2.1 acres and is bordered on the east by Oxnard Boulevard, on the west and south by Street “A”, and on the

Residential Development Plan

~~north by High Rise Residential Planning Area 20.~~

As discussed in Chapter 2, an alternative development plan, Option “A,” has been designed for the Very High Density Planning Area. As shown on Figure 2.6, Option “A” combines High Rise Planning Area 20 and Very High Density Planning Area 21. This new Planning Area (Planning Area 20) includes three and four-story stacked flats wrapped around an on-grade parking structure and on-street parking areas. Please refer to Table 2.2 and Figure 2.6 for additional information on this alternative development plan.

4.2.5 High Rise Residential (HR)

~~The High Rise Residential Planning Areas are designed to bring a new style of urban living to Oxnard. Three towers are proposed, two in Planning Area 16 and one in Planning Area 20. The towers are designed to maximize views of the ocean and the mountains. The towers are envisioned as the ultimate urban living experience and include up to 442 residences with private balconies, rooftop recreation and amenities, and concierge service.~~

Parking for residents, guests, and related service personnel is provided by partially underground and/or above ground parking structures. Additional guest and service related parallel parking is available along Main Street, Street “B”, Street “C”, and Street “G”.

Planning Area 16 encompasses approximately 3.3 acres; Planning Area 20 encompasses approximately 2.5 acres.

An alternative development plan, Option “A,” has been developed for High Rise Planning Area 20, as described in the Chapter 2. This optional development plans ~~removes the high-rise tower located in Planning Area 20~~ and reduced the number of residential units within Planning Area 16. Please refer to Table 2.2 and Figure 2.6 for additional information on this alternative development plan.

4.3 MANDATORY RESIDENTIAL DESIGN ELEMENTS

The following general design principles and specific development standards are applicable to the development of any residential project as part of this Specific Plan.

4.3.1 The Neighborhood Concept

The “neighborhood concept” within the context of The Village Specific Plan includes the following key elements which shall be used as a guide during the final design and development of each residential dwelling:

- All residential Planning Areas shall be designed as inter-connected neighborhoods;
- The size and configuration of neighborhoods shall ensure that housing, jobs, daily shopping

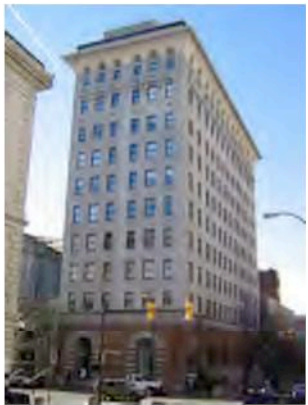
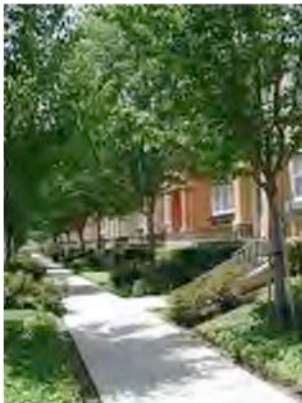
4.4 BUILDING TYPES

The High Density Residential, Live/Work, Very High Density Residential, and High Rise Planning Areas form the Specific Plan’s residential neighborhoods. This section establishes specific building type standards for the residential Planning Areas.

The following building types are permitted within the residential Planning Areas:

- Building Type H: High Density Residential
- ~~Building Type L/W: Live/Work Residential~~
- Building Type VH: Very High Density Residential
- Building Type: HR: High Rise
- Building Type 1TC: Transportation *

The following sections describe the requirements applicable to each building type. Figure 4.2 – Residential Regulating Plan illustrates the conceptual building configuration and type, density, block pattern, and frontage type for the residential Planning Areas.



* Building Type 1TC Transportation can only occur within the Transit Center Overlay

Residential Development Plan

4.4.2 Building Type L/W: Live/Work



Illustrative Rendering



Typical Live/Work Configuration

Lot Frontage

BUILDING TYPE ELIMINATED IN ITS ENTIRETY

Lots front the public street and shall be served by a private lane at the rear.

Building Envelope

Lot Width: 20' min.

Building Height: 46' max. to top of parapet



Concept Rendering

Setbacks

Front: 5' min. to 10' max.

Rear: 0' min.

Side: 12' min. at corner lots

Side Between Buildings: 12' min.

Residential Development Plan

4.4.4 Building Type HR: High Rise



Lot Frontage

Lots shall front a neighborhood street and shall be served by parking garage entry at the side of each lot.

Building Envelope

Lot Width: 100 feet min.
Building Height: 210'ories and/or 270' max.

Setbacks - Planning Area 16

Front: 20' min. from "G" Street
Rear: 30' min. from Oxnard Blvd.
Side: 10' min. from 101 Freeway R.O.W.
Between Buildings: 80' min.

Setbacks - Planning Area 20

Front: 20' min. from "A" Street
Side: 10' min. from Main Street
Rear: 25' min. from Oxnard Boulevard



Typical Tower Configuration



Concept Rendering

CHAPTER 4.0

Residential Development Plan

Building Orientation and Use

- Buildings types and frontages shall be in accordance with the Residential Regulating Plan (Figure 4.2).
- The main entrance to the towers shall be from a ground floor lobby fronting the street. Elevator access shall be provided from the subterranean portions of the parking structure and the ground level lobby to all levels of the building.
- The towers shall be offset to provide views from all sides of the buildings.

- ~~Private recreational facilities shall be provided on the roof of the parking structure.~~

Service Requirements

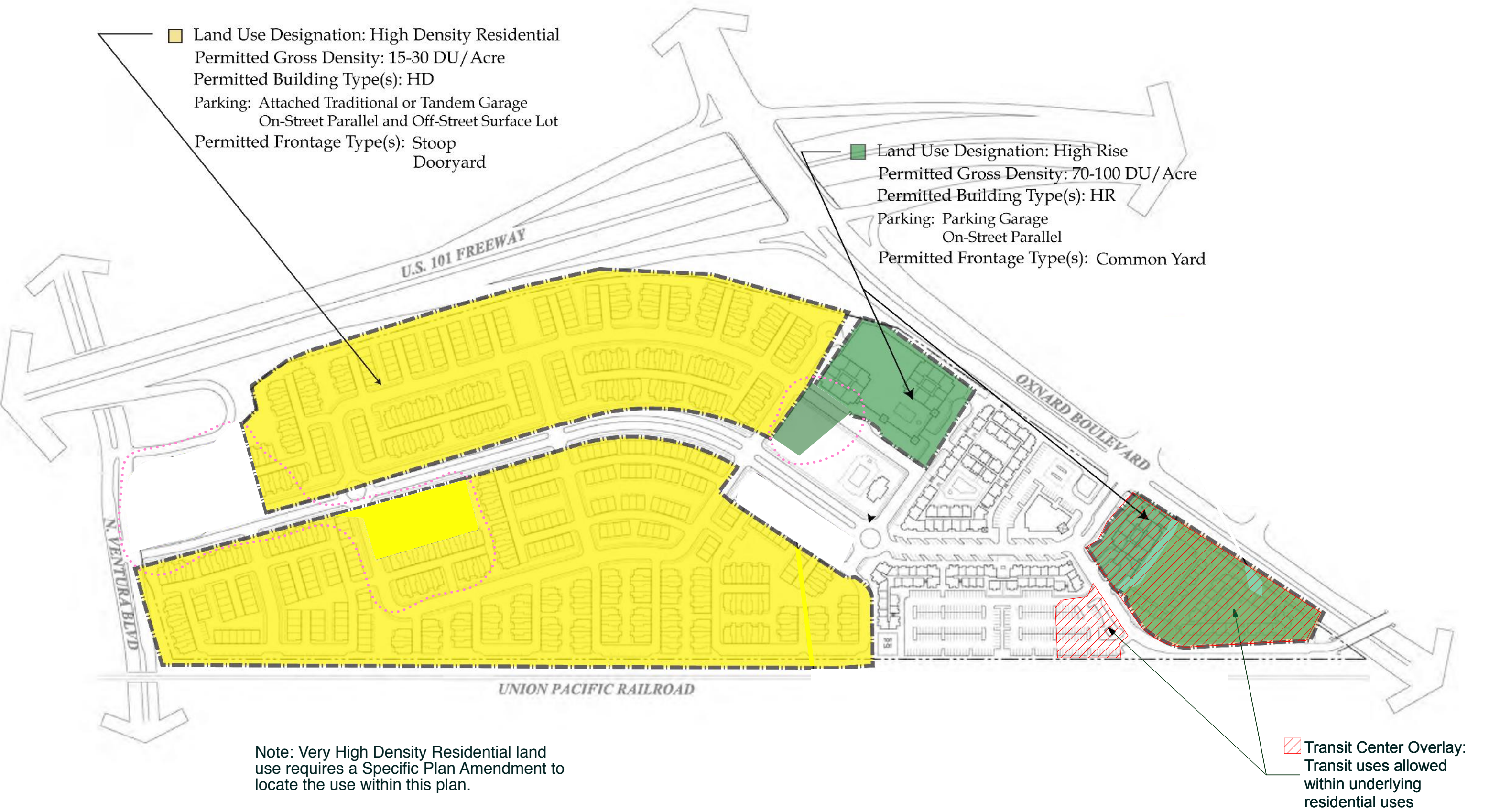
- Parking for service uses shall be located on the surrounding public streets.
- Access to the parking garages shall be from one of the streets at the sides of each lot (from Street "A", Street "B" or Street "C").
- Access to dry utility meters and other service functions shall be from the streets at the sides of the lot and shall be effectively screened.

Parking Requirements

- Each dwelling unit shall be provided with indirect access to two parking spaces within the parking garage. Note that some of the garage parking spaces may be shared as part of the Parking Management Program.
- Additional garage parking and on-street parallel parking spaces, as shown of Figure 6.4 Parking Plan, shall be provided to satisfy the requirement for visitor parking. Guest parking will also be provided within the Shared Parking District.

Trash Storage and Collection

- Trash storage shall be provided within an enclosed trash storage area within the parking garage. The building management company, or HOA, or other designated responsible party shall be responsible for moving the trash bins to and from an accessible street side location on trash pick up days.
- Interior trash and recycling disposal areas and/or chutes will be provided in a central location within each floor or within each residential unit. Trash from the chutes will be conveyed to a central trash compactor or bin located at the garage level. The Homeowners' Association shall be responsible for maintenance and upkeep of the internal trash disposal system.



Residential Regulating Plan

5.4 CONCEPTUAL PARK DESIGNS

5.4.1 Introduction

With the exception of trails and sidewalks around the perimeter of the Specific Plan area, the plazas, squares and sidewalks along Main Street, and potentially a portion of The Village Green, recreational amenities within the Specific Plan are planned as privately maintained facilities for residents of The Village. As designed, the Village Green (Planning Area 15) and Neighborhood Park (Planning Area 6) provide the focal point for community recreation and include green-space, community rooms and pools. The greenspace planned for the Village Green could be designated as a public park given its proximity to the public spaces planned within Mixed Use Planning Areas. A determination of public vs. private shall be made prior to recordation of the final map. Several privately maintained pocket parks, courtyards, and pathways are interspersed throughout The Village Specific Plan to provide more passive recreational opportunities for Village residents. Privately maintained terrace and courtyard recreational facilities are also proposed to serve residents of the High Rise, Very High Density Residential, and Mixed Use Planning Areas. These recreation facilities are designed as outdoor rooms and are planned to include formal sensory gardens, enhanced paving, fountains, pools, and barbeque areas.

5.4.2 Design Concepts for Each Park

Figures 5.8 through 5.12 illustrate the conceptual designs for parks and recreation areas. Each park design is intended to be privately maintained by the Homeowner’s Association, except as noted above.



Illustrative Photos

Landscape Development Plan

The Village Green is envisioned as one of the central gathering places for residents and visitors of The Village. The turf area is designed to serve multiple functions. A central square is surrounded by lush landscaping, enhanced paving, and sculpted turf which provide opportunities for relaxation, outdoor gatherings, public art, and seasonal festivities such as ice skating, Christmas tree lighting, evening movies in the summer, and outdoor concerts.

The community center and pool will provide residents with opportunities for active community recreation, outdoor gatherings, and other pool side festivities.



Illustrative Photo



Landscape Development Plan

The Neighborhood park is also envisioned as one of the central gathering places for residents of The Village, and the greater Oxnard community.

This recreation area is planned to include a courts play area surrounded by lush landscaping, enhanced paving, and sculpted turf which will provide opportunities for relaxation, active play, and outdoor gatherings.

The community center, pool terrace, and pool will provide residents with opportunities for active community recreation and pool-side festivities.



Illustrative Photo



Key Map

Neighborhood Park

5.4.2.1 The Village Green

As depicted in Figure 5.8, the Village Green is designed as one of the primary gathering places for residents and visitors of the Specific Plan. The Village Green and its facilities occupy approximately 1.9 acres. ~~The pool house facility grounds are for the private use of the Village Specific Plan residents and will be maintained by the Homeowner's Association. The green space adjacent to the west of the pool~~ Village Green and its amenities are a public recreational amenity for the enjoyment of the residents and the greater Oxnard community.

5.4.2.2 The Neighborhood Park

As depicted in Figure 5.9, the Neighborhood Park is designed as one of the primary gathering places for residents of the High Density Planning Areas. The park includes ~~a designated~~ a court play areas, dog park, exercise areas, and turf areas. The Neighborhood Park is approximately 2.3 acres. These facilities are proposed as a public recreational amenity for the enjoyment of the residents and the greater Oxnard community.

5.4.2.3 Pocket Parks

As depicted in Figure 5.10, the pocket parks are designed to provide more private gathering places within a comfortable 5-minute walk of each residential neighborhood. The pocket parks total approximately 2.24 acres. These facilities are for the private use of

the residents and will be maintained by the Homeowner's Association.

5.4.2.4 Plazas, Paseos and Pathways

As depicted in Figure 5.11, the plazas, paseos, and pathways are designed to provide connections between neighborhoods. Within the mixed use areas, the passageways and plazas will be inviting and attractive spaces for congregation, dining, expansion of retail/commercial space (in the Mixed Use Planning Areas), and pleasing connections to Main Street or parking areas. A Class I bike/pedestrian pathway is proposed along the project's northern edge as an additional public recreational amenity. In addition, the northern most portions of the River Edge Trail will be constructed along the project frontage west of Ventura Road as a public recreational amenity. Interior paseos and trails will be privately maintained by the Homeowner's Association.

5.4.2.5 Private Terrace and Courtyard Recreation Areas

As depicted in Figure 5.12, approximately 1.65 acres are dedicated to private recreation terraces. These facilities are integrated into the building design of the High Rise, Very High Density and Mixed Use Planning Areas, and are proposed to serve the residents of these areas. Access to the facilities will be from either an elevator or private interior courtyard. These spaces are for the private use of the residents and will be maintained by the Homeowners' Association.

Infrastructure Development Plan

The shared parking areas have been established based upon the City of Oxnard Zoning Code requirement that shared parking spaces shall only be located within 500 feet of any use served. Thus, the shared parking areas are all located within 500 feet of the Mixed-Use, High Rise, TC Overlay and the Very High Density Residential Planning Areas. The shared parking spaces are distributed among on-street parallel and angled parking, off-street parking lots, and off-street parking structures. Figure 6.4 specifies the location of all shared and non-shared parking areas within the Specific Plan.

- **Parking Space Size:** The size of all parking spaces will comply with the standards established by the City of Oxnard Municipal Code.
- **Shared Parking Ratios:** Within the shared parking areas, residential parking demand ratios of 1.5 spaces per owner-occupied condominium unit and 1.2 spaces per unit for rental apartments were recommended by Nelson-Nygaard, as part of the Specific Plan’s preliminary Shared Parking Study. A commercial parking demand ratio of 2.5 spaces/1,000 square feet of commercial development was recommended as part of this same study. The ultimate goal of the shared parking approach is to permit flexibility in the municipal parking standards in favor of a system where the private sector develops parking to meet only the needs of development without over-building

parking supply. The preliminary Shared Parking Study prepared by Nelson-Nygaard and Associates concluded that approximately 1,728 parking spaces (including 154 “shared” spaces) will be needed within the Shared Parking District to meet the parking demand for residents, guests, shoppers, business owners, and their employees.

- **Non-Shared Residential Parking Ratios:** Within the High Density Residential ~~and Live/Work~~ Planning Areas (Planning Areas 4-13), an overall parking ratio of 2.5 spaces per residential unit was used to calculate the number of parking spaces required for both residents and guests. These non-shared spaces are provided in a combination of two-car garages for each residential unit plus on-street parallel parking, and off-street parking areas for guest parking. The total number of non-shared spaces available to the High Density Residential Planning Areas will likely exceed the City’s standard parking requirements. Nevertheless, this Specific Plan permits the establishment of a residential permit parking program within the High Density Residential Planning Areas, if the City determines that spillover parking is creating parking shortages. Establishment of such a program would be subject to review and approval by the Planning Manager.

CHAPTER 6.0

Infrastructure Development Plan

6.9.3 Parking Area Location, and Type

- **Parking Locations for High Density Residential Planning Areas:** Parking for the High Density Residential Planning Areas (PAs 2-13) will be provided via ~~attached 2-car~~ enclosed garages for each residential dwelling accessed from an alley. On-street parking is prohibited within the alley. Guest parking for High Density Residential Planning Areas will be located within off-street surface parking areas and parallel on-street parking areas. Guest parking shall be located within an acceptable distance of the surrounding residences, per the City of Oxnard Zoning Ordinance. ~~Using a ratio of 2.75 spaces per unit, these Planning Areas will likely include approximately 1,867 parking spaces.~~

- ~~**Parking Locations for Live/Work Planning Area:** Parking for the Live/Work Planning Area (PA 14) will be provided via private 2-car garages accessed from an alley. On-street parking is prohibited within the alley. Guest parking is provided along Main Street. Using a ratio of 2.75 spaces per unit, this Planning Area will include approximately 38 parking spaces.~~

- **Parking Locations for Mixed-Use Planning Areas:** Parking for the Mixed-Use Planning Areas (PAs 17, and 18) will be provided in on-street and off-street surface parking areas, subterranean or on-grade garage

parking, under a shared parking arrangement.

- **Parking Locations for Very High Density Planning Area:** Parking for the Very High Density Planning Area (PA 21) will be provided by a ~~subterranean or~~ structured parking garage, or a combination of on-grade tuck under and surface parking subject to review and approval by the City of Oxnard Planning Department. Any on-site tuck under and surface parking shall be appropriately screened from the street using landscaping and building forms. In either scenario, additional guest parking will be provided in on-street parking areas. On-street parking shall be subject to a shared parking management program.

- **Parking Locations for High Rise Planning Areas:** Parking for the High Rise Tower Planning Area (PA 16 and 20) will be located in two parking structures under a shared parking arrangement. The majority of resident and guest parking will be provided within the parking structures, ~~and on~~ neighboring streets under a shared parking arrangement.

~~Planning Areas 17-21 will likely include 1,728 parking spaces.~~

6.9.4 Parking Management Plan

A Shared Parking Management Plan will be prepared prior to issuance of building permits for any development project within the shared parking district as

Design and Architectural Standards and Guidelines

7.2.3.2 Live/Work Residential Design Guidelines

Please refer to Section 7.2.3.1 above.

7.2.3.3 **Mixed Use Residential Design Guidelines**

Please refer to Section 7.1 for all applicable Mixed Use Design Guidelines.

7.2.3.4 **Very High Density Residential Design Guidelines**

Building form within the Very High Residential Planning Area consists of 4-story condominium flats over two levels of subterranean parking or wrapped around a parking structure.



Illustrative Rendering

A. Neighborhood Compatibility

1. Front building facades should include porches, projecting eaves and overhangs, and other traditional architectural elements that provide residential scale and help break up building mass.
2. Massing and orientation of dwellings shall be stepped back on

the third and fourth stories to minimize visual impact.

3. Privacy of neighboring structures should be maintained, with windows on upper floors and balconies positioned so that they minimize the view into neighboring properties.
4. Sun and shade impacts on neighboring properties shall be considered.
5. Setbacks, where provided, should include privacy hedges, low walls or fences (no more than 3 feet in height), to provide separation from the sidewalk edge, and a sense of definition and enclosure.
6. Setbacks, where provided, should feature a balance of landscaping and paved area.

B. Paseos

1. Paseo connections to neighboring streets should be made wherever auto connections are infeasible due to project or site constraints.
2. Paseos should provide easy and direct access to building entries, common open space amenities and visitor parking areas.
3. Paseos should visually extend the street into an area for safe pedestrian use, with consistent street furnishings.

7.2.3.5 High Rise Residential Design Guidelines

Building forms within the High Rise Planning Areas consist of 20-25 story towers with above ground structure parking.



Illustrative Rendering

A. Building Orientation

- 1. Buildings shall be setback a minimum of 10 feet from the property line.
- 2. Orient structures such that urban open spaces receive adequate direct sun and filtered daylight and are protected from excessive wind, building glare and shade.
- 3. Two or more towers shall be offset to maintain more distant views for all residents.
- 4. The primary building entry shall be oriented towards the public street. Parking and vehicle access should be located away from pedestrian entries, open space, and street intersections.

B. Building Design

- 1. Buildings should have a discernable treatment that differentiates the base, middle and top of all building facades.
- 2. Awnings and sunshade treatments are strongly encouraged for the south and west sides of the development in response to solar orientation.
- 3. The building entries should incorporate one or more of the following elements:
 - Increased ceiling height in lobby spaces
 - Distinctive doorways
 - Decorative lighting
 - Distinctive entry canopy
 - Projected or recessed entry bay
 - Building name and address integrated into the building façade
 - Artwork integrated into the façade or the sidewalk
 - A change in paving material, texture, or color within the property line
 - Distinctive landscaping, including plants, water features and seating
 - Ornamental glazing, railings, and balustrades
- 5. The tops of tall buildings shall be designed to provide visual interest to

Administration and Implementation

3. Minor Deviation: Minor Deviations may be approved by the Planning Manager and shall require a minor modification permit. The following modifications fall within the parameters of a minor deviation:

- Deviations within 15% of numerical development standards for setbacks, building height, building additions, lot coverage, lot area, lot width, lot depth, and parking requirements; and
- Specific modifications of a similar nature to those listed within minor modifications, which are deemed by the Planning Manager and/or DAC to be in keeping with the spirit and intent of the Specific Plan, and are in conformance with the 2020 General Plan.

4. Major Deviations: Projects that do not qualify under the minor deviation procedure shall be considered major modifications. Major modifications require the submittal of a major modification permit application and would be considered by the Planning Commission. The following would fall under the parameters of a major deviation:

- Deviations exceeding the 15% numerical standards for setbacks, building height, building additions, lot coverage, lot area, lot width and lot depth, and parking requirements.

5. Specific Plan Amendment: An amendment to the Specific Plan would be required when fundamental text and/or map changes or additions are proposed to the Specific Plan document. Examples of this include, but are not limited to, the reconfiguration of streets as illustrated on Figure 2.1, 2.2, or 5.2, changes in land use density, allowable land uses, substantial changes in the development standards, or a request to increase the total number of dwelling units above 1,500. A Specific Plan amendment requires final approval by the City Council.

6. Administrative Modifications to Specific Plan: Minor Modifications to the Specific Plan may be approved administratively by the Planning Manager if the Planning Manager or Community Development Director determine that the proposed modifications are minor in nature, in keeping with the spirit and intent of the previously approved Specific Plan environmental document. Administrative Modifications to the Specific Plan require the submittal of a Minor Modification permit application. The following are examples of changes that may be approved as Administrative Modifications:

- Text changes to correct internal inconsistencies and conflicts within the Specific Plan;
- Minor changes within 15% of numerical development standards; or
- Similar modifications which the Planning Manager or Community Development Director deem to be minor in nature.

*Administration and Implementation***8.7.3 Plan Approval Process**

The following review process is intended as a guide for all parties involved in reviewing and approving specific development proposals submitted as part of this Specific Plan. Although this guide could be applied to all properties, actions, and development applications within the Specific Plan Area, it is not meant to supersede all applicable review and approval procedures adopted by the City of Oxnard as part of the Zoning Ordinance and/or Municipal Code. They shall remain in full force and effect.

Step 1: Pre-Submittal Meeting

Project applicants should meet with City Planning Staff to verify how the Specific Plan applies to a particular project area and/or parcel and to clarify and/or answer questions of the potential applicant. Applicants are encouraged to consult with City Staff regarding proposed designs (site and buildings) prior to submittal of a formal development application and corresponding fee deposits.

Step 2: Formal Development Plan Submittal

The following documents shall be submitted with the City's development application and the corresponding fee deposits:

Tentative Tract Map identifying all blocks, thoroughfare types, lots for development or parks, the plotting of all building types for the various types of lots, and all required engineering information per the City of Oxnard Public Works Department.

Proposed submittals where building construction constitutes an integral part at the time of submittal shall have architectural plans identifying the following:

- a) Proposed building types consistent with those represented in Chapters 3 and 4 in the Specific Plan. If building types are proposed that are not identified in the Specific Plan, such designs will be reviewed for compatibility by the Planning Manager.
- b) Along with the selected building types, preliminary architectural floor plans, exterior elevations, colors and materials, infrastructure plans, and landscaping plans shall be submitted to the City for administrative review for consistency with the applicable provisions of this Specific Plan. Once the applicable development permit has been granted, the plans may be submitted for review and processing by the Building and Safety Department.

Administration and Implementation

Step 3: Development Design Review Permit

The DAC shall review all applications and provide comments for consideration by the project applicant and verify condition compliance.

In the event that the application is not fully consistent with the applicable provisions of this Specific Plan or the conditions of approval, the applicant shall be informed of this in writing as to the specific reasons and be given the opportunity to address said item(s). Upon re-submittal, the committee shall review only those items deemed inconsistent with the Specific Plan and/or conditions of approval, unless the revisions made to the application resulted in a revision to any other portion of the application, in which case that portion may also be reviewed as part of the resubmitted application.

Step 4: Planning Commission and/or City Council Public Hearings

In the event that a project requires approval of a Special Use Permit (SUP) as defined in the Oxnard Zoning Ordinance, or a project requires modification, the project applicant shall submit a development application and all required supporting documentation to the Planning Department for review and consideration by the appropriate decision making body, as required by the City’s Municipal Code.

In the event that project issues cannot be resolved during Development Design Review committee meetings, or if components of a particular development application require discretionary review and approval pursuant to the City of Oxnard Municipal Code, the City Staff shall prepare a report summarizing the proposed development and provide a recommendation for consideration by the Planning Commission. Upon consideration, the Commission may approve the request, continue the matter for more information, or deny the application due to reasons stated at the hearing.

In the event that a project requires a modification to the Development Agreement and/or Owner Participation Agreement, the project applicant shall submit a development application and all required supporting documentation to the Planning Department for review and consideration by the appropriate decision making body, as required by the City’s Municipal Code.

8.7.3 Appeals

The Developer shall have the right to appeal any decision rendered by the DAC and/or the Planning Manager as part of Development Design Review to the Planning Commission. The Developer shall subsequently have the right to appeal any decision rendered by the Planning Commission to the City Council.

Figure 8.2 illustrates the expected review process governing future development of the Specific Plan.

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2988

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE SECOND AMENDMENT TO DEVELOPMENT AGREEMENT NO. A-7122 (PLANNING AND ZONING PERMIT NO. 20-670-02) FOR PROPERTY NEAR THE NORTHWESTERN EDGE OF THE CITY OF OXNARD, AND BOUNDED BY HIGHWAY 101 TO THE NORTH, OXNARD BOULEVARD TO THE EAST, THE UNION PACIFIC RAILROAD AND EL RIO DRAIN TO THE SOUTH, AND NORTH VENTURA ROAD TO THE WEST. FILED BY COREY HARPOLE, OXNARD CRFL PARTNERS, LLC, 64 MAXWELL, IRVINE, CALIFORNIA, 92618

WHEREAS, the City Council of the City of Oxnard has considered an application for Planning and Zoning Permit 20-670-02 (the **“Project”**), a proposed second amendment to Development Agreement No. A-7122 (Development Agreement) between the City and the Project proponent, Oxnard CRFL Partners, LLC (Oakwood Communities, Inc.); (collectively referred to **“Applicant”** or **“Developer”** in the record of proceedings); and

WHEREAS, the Second Development Agreement Amendment (DAA) shall include the following summary of updates. The DAA text is provided in Exhibit A to this Resolution:

1. Amend Section 5 of the Development Agreement to lock in the growth impact fees (aka “Growth Fees”) to the rate in effect May 1, 2020; and
2. Amend Section 7(d)(i) of the Development Agreement to lock in the 2015 traffic impact fee (aka “Traffic Circulation Fee”) for an additional 7 years until July 1, 2028; and
3. Amend Section 7(d)(ii) of the Development Agreement to waive the Mobility Fee; and
4. Amend Section 7(d)(iii) of the Development Agreement to waive current and future Park Development fees; and
5. Amend Section 7(d)(iv) of the Development Agreement to waive all current and future City drainage fees (“Storm Drain Fees”) relating to the project; and
6. Amend Section 15.2 of the Development Agreement to re-title Paragraph 15.2 as ‘Off-Site Trail Improvements’ and Increase the Air Quality Credit to full credit for construction of the pedestrian bridge; and
7. Amend Section 16.1 of the Development Agreement to authorize the Community Development Director to allow construction timing flexibility on construction of the Ventura Road Pump System; and
8. Amend Section 16.5 of the Development Agreement to accommodate current energy efficient technology.
9. Amend Section 1 of the First Development Agreement Amendment to authorize the Community Development Director to allow construction timing flexibility on construction of the Storm Water and Flood Protection improvements, up to 1,300 dwelling units.

WHEREAS, in January 2009 the City Council approved Development Agreement (DA) No. A-7122 between the between the City of Oxnard and Oxnard CRFL Partners, LLC, successor in interest to Oxnard Village Investments, LLC; and

Ordinance No. _____ [Second Amendment to DA A-7122]
 November 17, 2020
 Page 2

WHEREAS, in July 2015 the City Council approved the First Amendment to DA No. A-7122 to incorporate financial provisions for storm water and flood protection improvements not foreseen when the project was originally approved; and

WHEREAS, in September 2008 the City Council certified Final Environmental Impact Report (FEIR) No. 2006-03 (State Clearinghouse No. 2006101099). The FEIR was prepared to analyze potential impacts associated with the approval and the implementation of The Village Specific Plan and the anticipated build out of the 62-acre specific plan site; and

WHEREAS, in July 2015 the City Council certified Supplemental Environmental Impact Report (SEIR) No. 2014-01 for the TTM No. 5745 of The Village Specific Plan, to address changes in environmental conditions which were not known and could not have been known at the time the City certified FEIR No. 2006-03; and

WHEREAS, an EIR Addendum was prepared to summarize the site specific technical clarifications with respect to aesthetic, biology, flood zone, open space and traffic impacts associated with the proposed Project. The EIR Addendum concluded that aesthetic, biology, flood zone, open space and traffic impacts would remain less than significant upon compliance with the Tract conditions of approval and Mitigation Measure in the FEIR and SEIR. No additional mitigation measures are required. The proposed conditions of approval would not result in any new significant impacts or increase the severity of any significant impact identified in the FEIR and SEIR.

WHEREAS, in accordance with Section 15164 of the California Code of Regulations, the Planning Division has determined that minor changes are proposed to the project for which an FEIR and SEIR were previously certified; and that an Addendum is the appropriate environmental document to evaluate the minor changes in the Project, and has prepared Addendum No. 2019- thereto because the proposed changes to the original specific plan, TTM and DA would not result in any new additional significant impacts, nor would they substantially increase the severity of previously anticipated significant impacts. Rather, all of the impacts associated with the Project are within the envelope of impacts addressed in the Certified FEIR and SEIR and do not constitute a new or substantially increased significant impact; and

WHEREAS, Planning and Zoning Permit No. No. 20-670-02 (Second Amendment to Development Agreement No. A-7122), was referred to various City departments for recommendations; and

WHEREAS, on October 29, 2020, the Planning Commission conducted a duly noticed public hearing and received all written and oral evidence in favor of and in opposition to the Project, considered applications for Planning and Zoning Permit No. 20-670-02 (Second Amendment to Development Agreement No. A-7122), 19-300-01 (Revision to TTM No. 5745), 19-630-01(Specific Plan Text and Map Amendment No. 2 to Village Specific Plan) and considered certification of Addendum to Final Environmental Impact Report (FEIR) No. 06-03 and Supplemental

Ordinance No. _____ [Second Amendment to DA A-7122]
 November 17, 2020
 Page 3

Environmental Impact Report (SEIR) 14-01 pursuant to the California Environmental Quality Act (“CEQA”); and

WHEREAS, on October 29, 2020 the Planning Commission of the City of Oxnard voted 5:0 (one commissioner absent) to approve Resolution No. 2020-19 recommending that the City Council adopt an ordinance approving Planning and Zoning Permit No. 20-670-02 (Amendment No. 2 to Development Agreement No. A-7122) to amend Sections 7(d), 15.2, 16.1 and 16.5 of the original Development Agreement (2009) and Sections 1 of the First Development Agreement Amendment (2015).

WHEREAS, the City Council does find that the content of the Second Amendment to Development Agreement No. A-7122 is consistent with the 2030 General Plan, City Council Resolution 8139 (Development Agreement Resolution), California Government Code Section 65864 et seq (Development Agreement Statute) and the Oxnard City Code; and

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts all elements and requirements of this ordinance as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety and welfare of the citizenry in general and the persons who work or visit this subdivision in particular; and

WHEREAS, the City Council finds, after due study, deliberation and a duly noticed public hearing on November 17, 2020, and received and reviewed written and oral comments, presented by staff and the Applicant with a series of questions, that the project meets the criteria set out in California Government Code 65864 through 65869.5; and

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Ordinance.

SECTION 2. An Addendum to FEIR No. 06-03 and SEIR No. 2014-01 for the Village Specific Plan was prepared for the Project. In accordance with State CEQA Guidelines Section 15164 California Environmental Quality Act (CEQA), the proposed changes to the original specific plan, TTM and DA would not result in any new additional significant impacts, nor would they substantially increase the severity of previously anticipated significant impacts addressed in the Certified FEIR and SEIR. With imposition of mitigation measures from the certified 2008 FEIR and the 2015 SEIR, impacts are fully mitigated. Mitigation measures identified in FEIR No. 06-03 and SEIR No. 2014-01 that are relevant to this Project site have been incorporated into the project and compliance with the MMRP is a requirement for approval of this SPA.

SECTION 3. Based on the findings set forth herein, the City Council approves Planning and

Ordinance No. _____ [Second Amendment to DA A-7122]
November 17, 2020
Page 4

Zoning Permit No. 20-670-02 (Amendment No. 2 to Development Agreement No. A-7122) to amend Sections 7(d), 15.2, 16.1 and 16.5 of the original Development Agreement (2009) and Sections 1 of the First Development Agreement Amendment (2015).

SECTION 4. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance.

SECTION 5. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. [REDACTED] was first read on 11/17/2020, and finally adopted on [REDACTED], to become effective thirty (30) days thereafter.

SIGNATURES ON FOLLOWING PAGE

Ordinance No. _____ [Second Amendment to DA A-7122]
November 17, 2020
Page 5

PASSED and ADOPTED this _____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM

Stephen M. Fischer, City Attorney

RECORDING REQUESTED BY:

City of Oxnard

Request recording
without fee. Record for
benefit of City of Oxnard
pursuant to Section 27383 of
Government Code.

WHEN RECORDED MAIL TO:

City of Oxnard
305 West Third
Street Oxnard,
California 93030 Attn:
City Clerk

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**Agreement No. A-7122**

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (this "Second Amendment") is made in Ventura County, California as of _____, 2020, by and between the **CITY OF OXNARD**, a municipal corporation of the State of California ("City"); and **OXNARD CRFL PARTNERS, LLC**, a Delaware limited liability company, successor in interest to **OXNARD VILLAGE INVESTMENTS, LLC** ("Developer").

RECITALS

This SECOND AMENDMENT TO Development Agreement is made and entered into on the basis of the following facts and understandings of the parties hereto:

A. Developer is the owner of and is developing real property located in the City and more particularly described in Exhibit A attached hereto and incorporated herein by this reference ("Developer's Property"). City and Developer's predecessor in interest entered into a Development Agreement dated as of January 27, 2009, and recorded on March 10, 2009 as Instrument No. 20090310-00037202-0 in the Ventura County Recorder's Office (the "Original Agreement").

B. City and Developer amended the Original Agreement on July 28th, 2015 to incorporate provisions for storm water and flood protection. This Amendment was recorded on _____ 2015 as Instrument No. _____ in the Ventura County Recorder's Office (the "First Amendment").

C. Developer has taken certain actions to develop Developer's Property, but significant

additional work will be needed in order to complete the Project.

D. Developer is seeking to amend the Original Agreement and First Amendment.

E. The Effective Date of this Amendment is specified in Section 3(j), below.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are hereby incorporated into the operative provisions of this Amendment by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, City and Developer agree as follows:

Section 1. Additional Revisions.

The parties hereto agree to the additional revisions to the Original Agreement and First Amendment set forth in Exhibit b, which is attached hereto and incorporated herein by this reference.

Section 2. Standard Provisions.

- (a) Entire Agreement. Except for the Original Agreement and the First Amendment, both of which this Second Amendment amends, this Agreement represents the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the parties hereto with respect to the matters contained in this Amendment.
- (b) Priority of Documents. In any case of conflict, this Amendment shall control over the Original Agreement, the First Amendment to Development Agreement and over the exhibits to this Amendment. The exhibits to this Amendment shall control over the Original Agreement.
- (c) Section Headings. The section headings contained in this Amendment are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.
- (d) Counterparts. This Amendment and any modifications hereto may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.
- (e) No Reliance on Other Parties. All parties to this Amendment declare that, prior to the execution of this Amendment, they have informed themselves of sufficient relevant data, either through experts or other sources of their own selection, and have sought and obtained legal counsel, in order that they might intelligently exercise their own judgment in evaluating the contents of this Amendment and making the decision to execute it. The parties hereto each represent and acknowledge that in executing this Amendment, they do not rely and have not relied upon any representation or statement not set forth herein made by any other party to this Amendment or their respective legal counsel with regard to the subject matter, basis or effect of this Amendment.
- (f) Construction. The provisions of this Amendment shall be liberally construed to its purpose. The language of this Amendment shall be construed according to its plain meaning and shall not be construed for or against any party hereto, as each party hereto has participated in the drafting of this Amendment and has had its legal counsel review it. Whenever the context and

construction so require, all words used in the singular shall be deemed to be used in the plural and vice versa.

- (g) Successors and Assigns. This Amendment shall be binding on and shall insure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.
- (h) Governing Law. The validity and interpretation of this Amendment shall be governed by the laws of the State of California without giving effect to the principles of conflict of laws.
- (i) Authority. Each party hereto certifies and warrants that all individuals executing this Amendment and other related documents on its behalf have the capacity and have been duly authorized to do so. Each party hereto shall also indemnify the other party to this Amendment and hold it harmless from all damages, costs, attorneys' fees, and other expenses, if a signatory is not so authorized.
- (j) Effective Date. After this Amendment has been signed by authorized representatives of each of the parties hereto, this Amendment shall become effective on the date on which the ordinance approving this Amendment becomes effective under Government Code section 36937.
- (k) Definitions. All terms not specifically defined in this Amendment shall have the meanings ascribed to them in the Original Agreement and the First Amendment to Development Agreement.
- (m) Recording. City shall cause this Amendment to be recorded in the Official Records of the County within ten (10) days after the mutual execution of this Amendment, but failure to record shall not alter the rights of the parties hereto.
- (n) Indemnity. In the event any legal action is instituted by a third party or other government entity or official challenging the validity of this Amendment, City and Developer agree to cooperate in defending such action, with Developer to indemnify City pursuant to Paragraph 25(m) of the Original Agreement.

[signatures on following page]

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the parties to this Amendment have each executed this Amendment as of the date first written above.

CITY:

CITY OF OXNARD, a public body, corporate
and politic

Date: _____
Tim Flynn, Mayor

By: _____

ATTEST:

By: _____
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

By: _____
Stephen M. Fischer, City Attorney

DEVELOPER:

OXNARD CRFL PARTNERS, LLC,
a Delaware limited liability company

By: _____

By: _____

Name: Carl Renezedder

Title: Authorized Signatory

Title: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

EXHIBIT A

DEVELOPER'S PROPERTY

[behind this page]

EXHIBIT A

Legal Description of Property

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A: (APN 139-0-022-040)

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS." DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THAT CERTAIN COURSE, RECITED AS "SOUTH 66° 34' 30" EAST 573.33 FEET", IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED JANUARY 27, 1955 AS INSTRUMENT NO. 2961, IN BOOK 1260, PAGE 453, OFFICIAL RECORDS, DISTANT ALONG SAID CERTAIN COURSE SOUTH 66° 34' 30" EAST 195.91 FEET FROM THE EASTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO WESTERN TRAILER PARK, INC., RECORDED JUNE 10 1954 AS INSTRUMENT NO. 16613, IN BOOK 1208, PAGE 17, OFFICIAL RECORDS; THENCE PARALLEL WITH SAID EASTERLY LINE,

1ST: SOUTH 0° 30' WEST, 81.41 FEET; THENCE

2ND: SOUTH 84° 06' 30" WEST, 68.21 FEET; THENCE

3RD: SOUTH 7° 52' 15" WEST, 75.25 FEET; THENCE

4TH: NORTH 89° 23' 15" WEST, 103.01 FEET, MORE OR LESS, TO A POINT IN THE EASTERLY LINE OF SAID LAND OF WESTERN TRAILER PARK, INC., DISTANT ALONG SAID EASTERLY LINE, SOUTH 0° 30' WEST, 239.75 FEET FROM SAID CERTAIN COURSE RECITED AS "SOUTH 66° 34' 30" EAST, 573.33 FEET"; THENCE ALONG SAID EASTERLY LINE,

5TH: SOUTH 0° 30' WEST, 238.67 FEET; THENCE

6TH: SOUTH 89° 23' 15" EAST, 336.33 FEET; THENCE

7TH: NORTH 0° 36' 45" EAST, 39.52 FEET; THENCE

8TH: NORTH 89° 23' 15" WEST, 50.00 FEET; THENCE

9TH: NORTH 0° 36' 45" EAST, 50.00 FEET; THENCE

10TH: SOUTH 89° 23' 15" EAST, 50.00 FEET; THENCE

11TH: NORTH 0° 36' 45" EAST, 230.43 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE

12TH: NORTHERLY AND NORTHWESTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 67° 11' 15" AN ARC DISTANCE OF 29.32 FEET TO THE POINT OF TANGENCY WITH SAID CERTAIN COURSE RECITED AS "SOUTH 66° 34' 30" EAST, 573.33 FEET"; THENCE ALONG SAID CERTAIN COURSE,

13TH: NORTH 66° 34' 30" WEST, 153.37 FEET TO THE POINT OF BEGINNING.

PARCEL B: INTENTIONALLY DELETED

PARCEL C: (APN 139-0-022-165)

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS." DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO MARTIN V. SMITH AND WIFE, RECORDED APRIL 29, 1946 AS INSTRUMENT NO. 10429, IN BOOK 745, PAGE 450, OFFICIAL RECORDS, DISTANT ALONG SAID WESTERLY LINE, SOUTH 0° 30' WEST, 140 FEET FROM THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED APRIL 14, 1948 AS INSTRUMENT NO. 6528, IN BOOK 823, PAGE 494, OFFICIAL RECORDS; THENCE AT RIGHT ANGLES,

1ST: SOUTH 89° 30' EAST, 60.00 FEET; THENCE PARALLEL WITH SAID WESTERLY LINE,

2ND: NORTH 0° 30' EAST, 110.00 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF THE LAND IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED JANUARY 27, 1955 AS INSTRUMENT NO. 2961, IN BOOK 1260, PAGE 453, OFFICIAL RECORDS, BEING A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 26° 07' 21" AND A RADIAL LINE AT THE BEGINNING OF SAID CURVE IN SAID WESTERLY LINE BEARS NORTH 2° 41' 51" WEST; THENCE

3RD: EASTERLY, ALONG SAID CURVE, AN ARC DISTANCE OF 32.00 FEET, MORE OR LESS, TO THE EASTERLY TERMINUS OF SAID CURVE; THENCE TANGENT TO SAID CURVE

4TH: SOUTH 66° 34' 30" EAST, 130.00 FEET, MORE OR LESS, TO THE INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND EASTERLY 210.00, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LAND OF MARTIN V. SMITH; THENCE ALONG SAID PARALLEL LINE

5TH: SOUTH 0° 30' WEST, 688.16 FEET; THENCE AT RIGHT ANGLES,
 6TH: NORTH 89° 30' WEST, 210.00 FEET TO THE WESTERLY LINE OF SAID
 LAND OF MARTIN V. SMITH; THENCE ALONG SAID WESTERLY LINE,
 7TH: NORTH 0° 30' EAST, 637.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF OF ALL OIL, GAS AND OTHER
 MINERAL SUBSTANCES IN AND UNDER A PORTION OF SAID LAND OR THAT MAY
 BE PRODUCED AND SAVED THEREFROM AS RESERVED BY DORA SANDERSON,
 TRUSTEE IN DEED RECORDED JULY 27, 1945 AS INSTRUMENT NO. 9151, IN BOOK
 726, PAGE 63, OFFICIAL RECORDS.

PARCEL D: (APN 139-0-022-015)

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA
 COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF
 CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE
 OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION
 ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL.,
 DEFTS." DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THE LAND DESCRIBED IN
 THE DEED TO MARTIN V. SMITH AND WIFE, RECORDED APRIL 29, 1946 AS
 INSTRUMENT NO. 10429, IN BOOK 745, PAGE 450, OFFICIAL RECORDS, DISTANT
 ALONG SAID WESTERLY LINE, SOUTH 0° 30' WEST, 140.00 FEET FROM THE
 SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO THE
 STATE OF CALIFORNIA, RECORDED APRIL 14, 1948 AS INSTRUMENT NO. 6528, IN
 BOOK 823, PAGE 494, OFFICIAL RECORDS; THENCE AT RIGHT ANGLES,

1ST: SOUTH 89° 30' EAST, 60.00 FEET; THENCE PARALLEL WITH SAID
 WESTERLY LINE,

2ND: NORTH 0° 30' EAST, 110.00 FEET, MORE OR LESS, TO THE SOUTHERLY
 LINE OF THE LAND IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED
 JANUARY 27, 1955 AS INSTRUMENT NO. 2961, IN BOOK 1260, PAGE 453, OFFICIAL
 RECORDS, BEING A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 200.00
 FEET, A CENTRAL ANGLE OF 26° 07' 21" AND A RADIAL LINE AT THE BEGINNING
 OF SAID CURVE IN SAID WESTERLY LINE BEARS NORTH 2° 41' 51" WEST; THENCE,

3RD: WESTERLY AND SOUTHWESTERLY, ALONG SAID CURVE, AN ARC
 DISTANCE OF 59.19 FEET TO THE WESTERLY LINE OF SAID LAND OF MARTIN V.
 SMITH; THENCE ALONG SAID WESTERLY LINE,

4TH: SOUTH 0° 30' WEST, 115.00 FEET, MORE OR LESS, TO THE POINT OF
 BEGINNING.

PARCEL E: (APN 139-0-022-030)

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS." DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF A LINE WHICH IS PARALLEL WITH AND DISTANT EASTERLY 210.00 FEET, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO MARTIN V. SMITH AND WIFE, RECORDED APRIL 29, 1946 AS INSTRUMENT NO. 10429, IN BOOK 745, PAGE 450, OFFICIAL RECORDS, WITH THAT CERTAIN COURSE, RECITED AS "SOUTH 66° 34' 30" EAST 573.33 FEET", IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED JANUARY 27, 1955 AS INSTRUMENT NO. 2961, IN BOOK 1260, PAGE 453, OFFICIAL RECORDS, THENCE ALONG SAID CERTAIN COURSE,

1ST: SOUTH 66° 34' 30" EAST, 195.91 FEET; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LAND OF MARTIN V. SMITH,

2ND: SOUTH 0° 30' WEST, 81.41 FEET; THENCE

3RD: SOUTH 84° 06' 30" WEST, 68.21 FEET; THENCE

4TH: SOUTH 7° 52' 15" WEST, 75.25 FEET; THENCE

5TH: NORTH 89° 23' 15" WEST, 103.01 FEET, TO SAID 1ST MENTIONED PARALLEL LINE; THENCE ALONG SAID PARALLEL LINE,

6TH: NORTH 0° 30' EAST, 234.75 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL F: INTENTIONALLY DELETED**PARCEL G: (APN 139-0-170-015)**

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS." DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO SIMON COHN, RECORDED IN BOOK 81, PAGE 160 OF DEEDS, DISTANT ALONG SAID WESTERLY LINE, SOUTH 0° 38' WEST, 200.00 FEET FROM THE INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHWESTERLY LINE

OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA,
RECORDED APRIL 25, 1948 AS INSTRUMENT NO. 7363, IN BOOK 826, PAGE 229,
OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE

1ST: NORTH 0° 38' EAST, 113.88 FEET TO THE BEGINNING OF A NON-
TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 308.00 FEET
AND A RADIAL LINE BEARS SOUTH 44° 19' 36" WEST; THENCE

2ND: SOUTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 3°
41' 23" AN ARC DISTANCE OF 19.38 FEET; THENCE TANGENT TO SAID CURVE

3RD: SOUTH 49° 21' 47" EAST, 105.55 FEET TO THE BEGINNING OF A
TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 100.00 FEET;
THENCE

4TH: SOUTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 23°
33' 28" AN ARC DISTANCE OF 41.32 FEET TO A POINT ON SAID SOUTHWESTERLY
LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA; THENCE

5TH: SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE BEING A
CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1392.00 FEET, AN ARC
DISTANCE OF 2.7 FEET, MORE OR LESS, TO THE INTERSECTION WITH A LINE
WHICH EXTENDS SOUTH 89° 22' EAST, MEASURED AT RIGHT ANGLES TO THE
WESTERLY LINE OF SAID LAND OF SIMON COHN, FROM SAID POINT OF
BEGINNING; THENCE ALONG SAID RIGHT ANGLE LINE

6TH: NORTH 89° 22' WEST, 121.00 FEET, MORE OR LESS, TO THE POINT OF
BEGINNING.

EXCEPTING THEREFROM ALL OILS AND MINERALS IN AND UNDER SAID LAND AS
EXCEPTED IN DEED FROM CLARENCE A. MARKEL AND LUCILLE B. MARKEL,
RECORDED FEBRUARY 11, 1954 AS INSTRUMENT NO. 4118, IN BOOK 1183, PAGE 46,
OFFICIAL RECORDS.

PARCEL H: (APN PTN. 139-0-161-035)

THAT PORTION OF LOT 15, UNDERPASS INDUSTRIAL TRACT NO. 1, IN THE CITY OF
OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED
IN BOOK 21, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY AND THAT PORTION OF SUBDIVISIONS 9 AND 10, RANCHO EL RIO
DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF
VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION
MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT
CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL
GONZALES, ET AL., DEFTS." DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 15, DISTANT THEREON NORTH 49° 56' 00" WEST, 164.05 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE

1ST: NORTH 40° 04' 00" EAST, 117.05 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 15; THENCE ALONG SAID NORTHEASTERLY LINE

2ND: NORTH 14° 25' 30" WEST, 184.12 FEET; THENCE

3RD: NORTH 88° 26' 00" WEST, TO THE WESTERLY LINE OF SAID LOT 15; THENCE ALONG SAID WESTERLY LINE

4TH: NORTH 0° 39' 00" EAST, TO THE EASTERLY TERMINUS OF THE 18TH COURSE DESCRIBED IN PARCEL 6 IN THE DEED OF TRUST RECORDED ON JUNE 30, 1961 AS INSTRUMENT NO. 28094, IN BOOK 2017, PAGE 464, OFFICIAL RECORDS; THENCE ALONG SAID 18TH COURSE

5TH: NORTH 89° 37' 00" WEST, 203.73 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY, 100 FEET WIDE; THENCE ALONG SAID NORTHWESTERLY LINE

6TH: SOUTH 49° 56' 00" EAST, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ONE-HALF (1/2) OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT THE RIGHT TO ENTER UPON, POSSESS OR USE ANY PART OF THE SURFACE OF SAID LAND ABOVE A DEPTH OF 500 FEET BELOW THE SURFACE FOR THE PURPOSES OF PROCESSING, EXTRACTING, OR EXPLORING FOR OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERALS IN OR UNDER SAID LAND FOR A PERIOD OF TWENTY (20) YEARS FROM AND AFTER THE DATE HEREOF AND IN THE EVENT THAT OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERAL PRODUCTION OR DEVELOPMENT IS COMMENCED WITHIN SAID PERIOD OF TWENTY (20) YEARS THEN FOR SO LONG THEREAFTER AS SAID DEVELOPMENT OR PRODUCTION IS CONTINUED, AS RESERVED BY LESTER R. HOWARD AND JOANNA HOWARD, IN DEED RECORDED SEPTEMBER 29, 1961 AS INSTRUMENT NO. 42785, IN BOOK 2053, PAGE 556, OFFICIAL RECORDS.

PARCEL I: (APN PTN. 139-0-161-035)

THAT PORTION OF LOT 15, UNDERPASS INDUSTRIAL TRACT 1, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 15, DISTANT THEREON NORTH 49° 56' 00" WEST, 164.05 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE NORTH 40° 04' 00" EAST, 117.05 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 15; THENCE ALONG SAID

NORTHEASTERLY LINE, NORTH 14° 25' 30" WEST, 184.12 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1ST: NORTH 88° 26' 00" WEST, TO THE WESTERLY LINE OF SAID LOT 15; THENCE ALONG SAID WESTERLY LINE

2ND: NORTH 0° 39' 00" EAST, TO THE NORTHWESTERLY CORNER OF SAID LOT 15; THENCE ALONG THE BOUNDARY OF SAID LOT 15 BY THE FOLLOWING THREE COURSES;

3RD: SOUTH 89° 10' 30" EAST, 197.86 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET; THENCE

4TH: SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 74° 45' NORTH ARC DISTANCE OF 19.57 FEET; THENCE TANGENT TO SAID CURVE

5TH: SOUTH 14° 25' 30" EAST, TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ONE-HALF (1/2) OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT THE RIGHT TO ENTER UPON, POSSESS OR USE ANY PART OF THE SURFACE OF SAID LAND ABOVE A DEPTH OF 500 FEET BELOW THE SURFACE FOR

THE PURPOSES OF PROCESSING, EXTRACTING OR EXPLORING FOR OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERALS IN OR UNDER SAID LAND FOR A PERIOD OF TWENTY (20) YEARS FROM AND AFTER THE DATE HEREOF AND IN THE EVENT THAT OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERAL PRODUCTION OR DEVELOPMENT IS COMMENCED WITHIN SAID PERIOD OF TWENTY (20) YEARS THEN FOR SO LONG THEREAFTER AS SAID DEVELOPMENT OR PRODUCTION IS CONTINUED, AS RESERVED BY LESTER R. HOWARD AND JOANNA HOWARD, IN DEED RECORDED SEPTEMBER 29, 1961 AS INSTRUMENT NO. 42785, IN BOOK 2053, PAGE 556, OFFICIAL RECORDS.

PARCEL J: (APN 139-0-170-025)

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS, VS. RAFAEL GONZALES, ET AL., DEFTS." DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO CARL C. COLE AND WIFE, RECORDED JULY 15, 1931 IN BOOK 383, PAGE 77, OF OFFICIAL RECORDS, DISTANT ALONG SAID EASTERLY LINE SOUTH 0° 38' WEST, 200.00 FEET FROM THE INTERSECTION OF SAID EASTERLY LINE WITH

THE SOUTHWESTERLY LINE OF THAT CERTAIN STRIP OF LAND 58.00 FEET IN WIDTH, AS DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED APRIL 28, 1948 AS INSTRUMENT NO. 7363, IN BOOK 826, PAGE 229, OFFICIAL RECORDS; THENCE CONTINUING ALONG SAID EASTERLY LINE,

1ST: SOUTH 0° 38' WEST, 449.43 FEET, MORE OR LESS, TO THE NORTHWESTERLY CORNER OF THE LAND DESCRIBED IN THE DEED TO GEORGE E. HEAVENS AND WIFE, RECORDED OCTOBER 16, 1946 AS INSTRUMENT NO. 25106, IN BOOK 768, PAGE 41, OFFICIAL RECORDS; THENCE ALONG THE NORTHWESTERLY LINE THEREOF

2ND: NORTH 67° 45' 30" EAST, 262.49 FEET, TO THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED FEBRUARY 11, 1948 AS INSTRUMENT NO. 2489, IN BOOK 817, PAGE 457, OFFICIAL RECORDS; THENCE

3RD: NORTHWESTERLY, ALONG SAID LAST MENTIONED SOUTHWESTERLY LINE TO AND ALONG THE SOUTHWESTERLY LINE OF SAID CERTAIN 58 FOOT STRIP AND/OR TO AND ALONG THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 15, 1955 AS INSTRUMENT NO. 9113, IN BOOK 1273, PAGE 199, OFFICIAL RECORDS, TO THE INTERSECTION WITH A LINE WHICH BEARS SOUTH 89° 22' EAST, MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE OF SAID LAND OF CARL C. COLE FROM SAID POINT OF BEGINNING; THENCE ALONG SAID LAST MENTIONED LAND

4TH: NORTH 89° 22' WEST TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OILS AND MINERALS IN AND UNDER SAID LAND AS EXCEPTED IN DEED FROM CLARENCE A. MARKEL AND LUCILLE B. MARKEL, RECORDED FEBRUARY 11, 1954 AS INSTRUMENT NO. 4118, IN BOOK 1183, PAGE 46, OFFICIAL RECORDS.

SAID LAND LIES WITHIN LAND SHOWN ON REGISTERED ENGINEER'S MAP FILED IN BOOK 7, PAGE 64 OF RECORD OF SURVEY.

PARCEL K: APN 139-0-161-025; APN 139-0-162-040, 085; APN 139-0-170-045, 055, 095; AND PTN. 139-0-161-035

ALL OF THE LAND LYING WITHIN THE EXTERIOR BOUNDARIES OF UNDERPASS INDUSTRIAL TRACT 1, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE LAND CONVEYED TO A.L. HOBSON AND W.A. HOBSON BY DEED RECORDED IN BOOK

119, PAGE 91 OF DEED, WITH THE WEST LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED IN BOOK 826, PAGE 55, OFFICIAL RECORDS; THENCE ALONG SAID SOUTH LINE, NORTH 89° 19' 15" WEST, 97.42 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF LOT 14 OF SAID UNDERPASS INDUSTRIAL TRACT 1; THENCE ALONG THE EASTERLY LINE OF SAID LOT 14, NORTH 2° 05' 00" WEST, 197.92 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 460 FEET AND A CENTRAL ANGLE OF 12° 21' 45"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 99.25 FEET TO A ¾ INCH IRON PIPE IN THE EAST LINE OF LOT 13 OF THE TRACT LAST REFERRED TO; THENCE ALONG SAID EAST LINE OF SAID LOT 13 AND PROLONGATION THEREOF, NORTH 14° 26' 45" WEST, 154.64 FEET, MORE OR LESS, TO A ¾ INCH IRON PIPE SET IN THE SOUTHERLY LINE OF LOT 9 OF SAID UNDERPASS INDUSTRIAL TRACT 1; THENCE NORTH 75° 33' 15" EAST, 3 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE ALONG THE EAST LINE OF SAID LOT 9 AND PROLONGATION THEREOF, NORTH 14° 26' 45" WEST, 175.24 FEET TO A ¾ INCH IRON PIPE SET AT THE WESTERLY TERMINUS OF THAT CERTAIN COURSE IN PARCEL 2 OF THE LAND DESCRIBED IN DEED RECORDED IN BOOK 826, PAGE 55 OFFICIAL RECORDS, RECITED THEREIN AS BEARING SOUTH 75° 34' 30" WEST, 38 FEET; THENCE NORTH 75° 34' 30" EAST, 38.00 FEET TO A ¾ INCH IRON PIPE AT THE EASTERLY TERMINUS OF SAID COURSE; THENCE ALONG THE EASTERLY LINE OF SAID UNDERPASS INDUSTRIAL TRACT 1, SOUTH 14° 26' 45" EAST, 646.91 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM LOTS 12 AND 13 OF SAID UNDERPASS INDUSTRIAL TRACT 1.

ALSO EXCEPTING THEREFROM THAT PORTION OF LOT 15, UNDERPASS INDUSTRIAL TRACT 1, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING NORTHERLY AND NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 15, DISTANT THEREON NORTH 49° 56' 00" WEST, 164.05 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE,

1ST: NORTH 40° 04' 00" EAST, 117.05 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 15.

EXCEPT THEREFROM ANY PORTION OF SAID LAND LYING WITHIN LOTS 1, 2 AND 3 AS DESCRIBED ON THAT CERTAIN "CERTIFICATE OF APPROVAL FOR LOT LINE ADJUSTMENT" RECORDED JULY 16, 2012 AS INSTRUMENT NO. 20120716-00123879 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ONE-HALF (1/2) OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT THE RIGHT TO ENTER UPON, POSSESS OR USE ANY PART OF THE SURFACE OF SAID

LAND ABOVE A DEPTH OF 500 FEET BELOW THE SURFACE FOR THE PURPOSES OF PROCESSING, EXTRACTING, OR EXPLORING FOR OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERALS IN OR UNDER SAID LAND FOR A PERIOD OF TWENTY (20) YEARS FROM AND AFTER THE DATE HEREOF AND IN THE EVENT THAT OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERAL PRODUCTION OR DEVELOPMENT IS COMMENCED WITHIN SAID PERIOD OF TWENTY (20) YEARS THEN FOR SO LONG THEREAFTER AS SAID DEVELOPMENT OR PRODUCTION IS CONTINUED, AS RESERVED BY LESTER R. HOWARD AND JOANNA HOWARD, IN DEED RECORDED SEPTEMBER 29, 1961 AS INSTRUMENT NO. 42785, IN BOOK 2053, PAGE 556, OFFICIAL RECORDS.

A PORTION OF SAID LAND IS SHOWN ON REGISTERED ENGINEER'S MAP FILED IN BOOK 25, PAGE 19 OF RECORDS OF SURVEY.

PARCEL L: (APN 139-0-170-030)

PART OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID VENTURA COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS." AND DESCRIBED AS FOLLOWS:

BEGINNING AT A 2 INCH IRON PIPE SET IN THE 1ST COURSE, AS DESCRIBED IN DEED TO CARL C. COLE, RECORDED IN BOOK 383, PAGE 77 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND, AS CONVEYED TO LLOYD M. BRADEN, ET AL., BY DEED RECORDED IN BOOK 747, PAGE 279, OFFICIAL RECORDS; THENCE FROM SAID POINT OF BEGINNING

1ST: NORTH 0° 39' 30" EAST, 66.84 FEET ALONG THE WESTERLY LINE OF SAID LANDS OF LLOYD M. BRADEN, ET AL., AND ALONG THE FIRST COURSE OF DEED TO CARL C. COLE, AS ABOVE DESCRIBED TO A POINT FROM WHICH THE NORTHWEST CORNER OF SAID LANDS OF LLOYD M. BRADEN, ET AL., THE SAME BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND, AS CONVEYED TO SIMON COHN, BY DEED RECORDED IN BOOK 81, PAGE 160 OF DEEDS, BEARS NORTH 0° 39' 30" EAST, 392.82 FEET DISTANT; THENCE

2ND: NORTH 67° 47' EAST, 322.09 FEET TO A POINT IN THE WESTERLY LINE OF THE CALIFORNIA STATE HIGHWAY RIGHT OF WAY, 100.00 FEET WIDE, AS CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED IN BOOK 319, PAGE 186, OF OFFICIAL RECORDS; THENCE ALONG SAME,

3RD: SOUTH 14° 25' 30" EAST, 200.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS OF LLOYD M. BRADEN, ET AL., AS ABOVE DESCRIBED; THENCE,

4TH: NORTH 89° 10' WEST, 348.80 FEET ALONG THE SOUTHERLY LINE OF SAID LANDS OF LLOYD M. BRADEN, ET AL., TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MARCH 30, 1948 IN BOOK 824, PAGE 198, OFFICIAL RECORDS.

PARCEL M: (APN 139-0-022-060)

THAT PORTION OF SUBDIVISION 9, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID VENTURA COUNTY, IN AN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS." DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF THE LAND CONVEYED TO MARTIN V. SMITH BY DEED RECORDED APRIL 15, 1946 AS INSTRUMENT NO. 9238, IN BOOK 747, PAGE 97, OFFICIAL RECORDS, WITH THE SOUTHWESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 14, 1948 AS INSTRUMENT NO. 6528, IN BOOK 893, PAGE 494, OFFICIAL RECORDS; THENCE ALONG THE EASTERLY LINE SOUTH 0° 38' 45" WEST, 122.00 FEET; THENCE NORTH 89° 23' 15" WEST, 13.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING,

1ST: NORTH 89° 23' 15" WEST, 105.12 FEET; THENCE

2ND: SOUTH 0° 36' 45" WEST, 200.00 FEET; THENCE

3RD: SOUTH 89° 23' 15" EAST, 105.00 FEET TO A LINE WHICH IS PARALLEL WITH AND DISTANT WESTERLY 13.5 FEET FROM THE EASTERLY LINE OF SAID LAND OF MARTIN V. SMITH; THENCE ALONG SAID PARALLEL LINE

4TH: NORTH 0° 38' 45" EAST, 200.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS AND OTHER MINERAL SUBSTANCES IN AND UNDER SAID LAND OR THAT MAY BE PRODUCED AND SAVED THEREFROM, AS RESERVED BY DORA SANDERSON, TRUSTEE, IN DEED RECORDED JULY 27, 1945 IN BOOK 726, PAGE 63, OFFICIAL RECORDS.

PARCEL N: (APN 139-0-162-075)

LOTS 12 AND 13 OF UNDERPASS INDUSTRIAL TRACT 1, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 21, PAGE 78 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ONE-HALF (1/2) OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT THE RIGHT TO ENTER UPON, POSSESS OR USE ANY PART OF THE SURFACE OF SAID

LAND ABOVE A DEPTH OF 500 FEET BELOW THE SURFACE FOR THE PURPOSES OF PROCESSING, EXTRACTING OR EXPLORING FOR OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERALS IN OR UNDER SAID LAND FOR A PERIOD OF TWENTY (20) YEARS FROM AND AFTER THE DATE HEREOF AND IN THE EVENT THAT OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERAL PRODUCTION OR DEVELOPMENT IS COMMENCED WITHIN SAID PERIOD OF TWENTY (20) YEARS THEN FOR SO LONG THEREAFTER AS SAID DEVELOPMENT OR PRODUCTION IS CONTINUED, AS RESERVED BY LESTER R. HOWARD AND JOANNA HOWARD, IN DEED RECORDED SEPTEMBER 29, 1961 AS INSTRUMENT NO. 42785, IN BOOK 2053, PAGE 556, OFFICIAL RECORDS.

EXCEPTING THEREFROM THE REMAINING ONE-HALF INTEREST IN ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE THEREOF, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN THE DEED RECORDED JULY 31, 1981 AS FILE NO. 81-72514, OFFICIAL RECORDS.

PARCEL O: (APN 139-0-150-110)

PARCEL I, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 31, PAGE 67 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL P: (APN 139-0-150-135)

THAT PORTION OF SUBDIVISION 9 OF THE RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, AS SAID SUBDIVISION IS DESIGNATED AND DELINEATED ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS, VS. RAFAEL GONZALES, ET AL., DEFTS." AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN PARCEL "A" IN DEED RECORDED IN BOOK 1931, PAGE 411, OFFICIAL RECORDS, SAID MOST SOUTHERLY CORNER BEING A POINT IN THE NORTHEASTERLY LINE OF THE RIGHT OF WAY OF THE SOUTHERN PACIFIC RAILROAD COMPANY, 100 FEET WIDE, DESCRIBED IN THE DEED RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, IN BOOK 54, PAGE 576 OF DEEDS; THENCE ALONG SAID NORTHEASTERLY LINE,

1ST: NORTH 49° 56' 03" WEST, 33.41 FEET; THENCE

2ND: NORTH 23° 44' 57" EAST, 192.80 FEET TO A POINT IN THE EASTERLY BOUNDARY OF THE ABOVE-MENTIONED PARCEL "A"; THENCE ALONG SAID EASTERLY BOUNDARY

3RD: SOUTH 14° 44' 14" WEST, 204.72 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF OF ALL OIL, GAS AND OTHER MINERAL SUBSTANCES IN AND UNDER A PORTION OF SAID LAND OR THAT MAY BE PRODUCED AND SAVED THEREFROM AS RESERVED BY DORA SANDERSON, TRUSTEE IN DEED RECORDED JULY 27, 1945 AS INSTRUMENT NO. 9151, IN BOOK 726, PAGE 63, OFFICIAL RECORDS.

PARCEL Q: (APN 139-0-022-245)

A PORTION OF SUBDIVISION 9 OF THE RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS SHOWN ON A PARTITION MAP OF SAID RANCHO FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY IN AN ACTION ENTITLED "THOMAS A. SCOTT, ET AL, PLFFS, VS. RAFAEL GONZALES, ET AL., DEFTS.", DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF LOT 16 OF UNDERPASS INDUSTRIAL TRACT NO. 1, AS PER MAP RECORDED IN BOOK 21, PAGE 78 OF MAPS, DISTANT SOUTH 0° 39' WEST 119.50 FEET FROM THE MOST NORTHWESTERLY CORNER OF SAID LOT 166; THENCE,

1ST: SOUTH 89°10'30" EAST 30 FEET; THENCE,

2ND; SOUTH 0°39' WEST 30 FEET; THENCE,

3RD: NORTH 89°10' 30" WEST 30 FEET TO AN ANGLE POINT ON THE BOUNDARY OF SAID LOT 16; THENCE,

4TH: NORTH 0°39' EAST 30 FEET TO THE POINT OF BEGINNING.

PARCEL R: (139-0-022-200, 139-0-022-215, 139-0-022-265, AS TO LOT 1; 139-0-022-235, 139-0-022-255, AS TO LOT 2; AND 139-0-022-140, 139-0-022-175, 139-0-022-185, 139-0-022-190, 139-0-022-225, 139-0-022-275, AS TO LOT 3)

THOSE PORTIONS OF SUBDIVISIONS 9 AND 10, RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL, DEFTS.," TOGETHER WITH A PORTION OF LOT 16 OF UNDERPASS INDUSTRIAL TRACT NO. 1, AS SHOWN ON THE MAP FILED IN BOOK 21, PAGES 78 AND 79 OF MISCELLANEOUS RECORDS (MAPS), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH A PORTION OF UNDERPASS STREET AS ABANDONED AS DESCRIBED AS PARCEL 1 IN THE RESOLUTION DOCUMENT RECORDED MAY 13, 1957 IN BOOK 1512, PAGE 384 OF OFFICIAL RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER DESCRIBED IN WHOLE AS FOLLOWS:

LOTS 1, 2 AND 3 AS DESCRIBED ON THAT CERTAIN "CERTIFICATE OF APPROVAL FOR LOT LINE ADJUSTMENT" RECORDED JULY 16, 2012 AS INSTRUMENT NO. 20120716-00123879 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM AN UNDIVIDED ONE-HALF OF ALL OIL, GAS AND OTHER MINERAL SUBSTANCES IN AND UNDER A PORTION OF SAID LAND OR THAT MAY BE PRODUCED AND SAVED THEREFROM AS RESERVED BY DORA SANDERSON, TRUSTEE IN DEED RECORDED JULY 27, 1945 AS INSTRUMENT NO. 9151, IN BOOK 726, PAGE 63, OFFICIAL RECORDS

EXHIBIT A-1

ADDITION TO DEVELOPER'S PROPERTY

[behind this page]

Parcel Q: A portion of Subdivision 9 of the Rancho El Rio de Santa Clara o'la Colonia, in the City of Oxnard, County of Ventura, State of California, as shown on a Partition Map of said Rancho filed in the office of the County Clerk of said County in an action entitled "Thomas A. Scott, et al., Plffs. vs. Rafael Gonzales, et al., Defts.", described as follows:

Beginning at a point on the West line of Lot 16 of Underpass Industrial Tract No. 1, as per Map recorded in Book 21, Page 78 of Maps, distant South $0^{\circ} 39'$ West 119.50 feet from the most Northwesterly corner of said Lot 166; thence,

1st: South $89^{\circ} 10' 30''$ East 30 feet; thence,

2nd: South $0^{\circ} 39'$ West 30 feet; thence,

3rd: North $89^{\circ} 10' 30''$ West 30 feet to an angle point on the boundary of said Lot 16; thence,

4th: North $0^{\circ} 39'$ East 30 feet to the point of beginning.

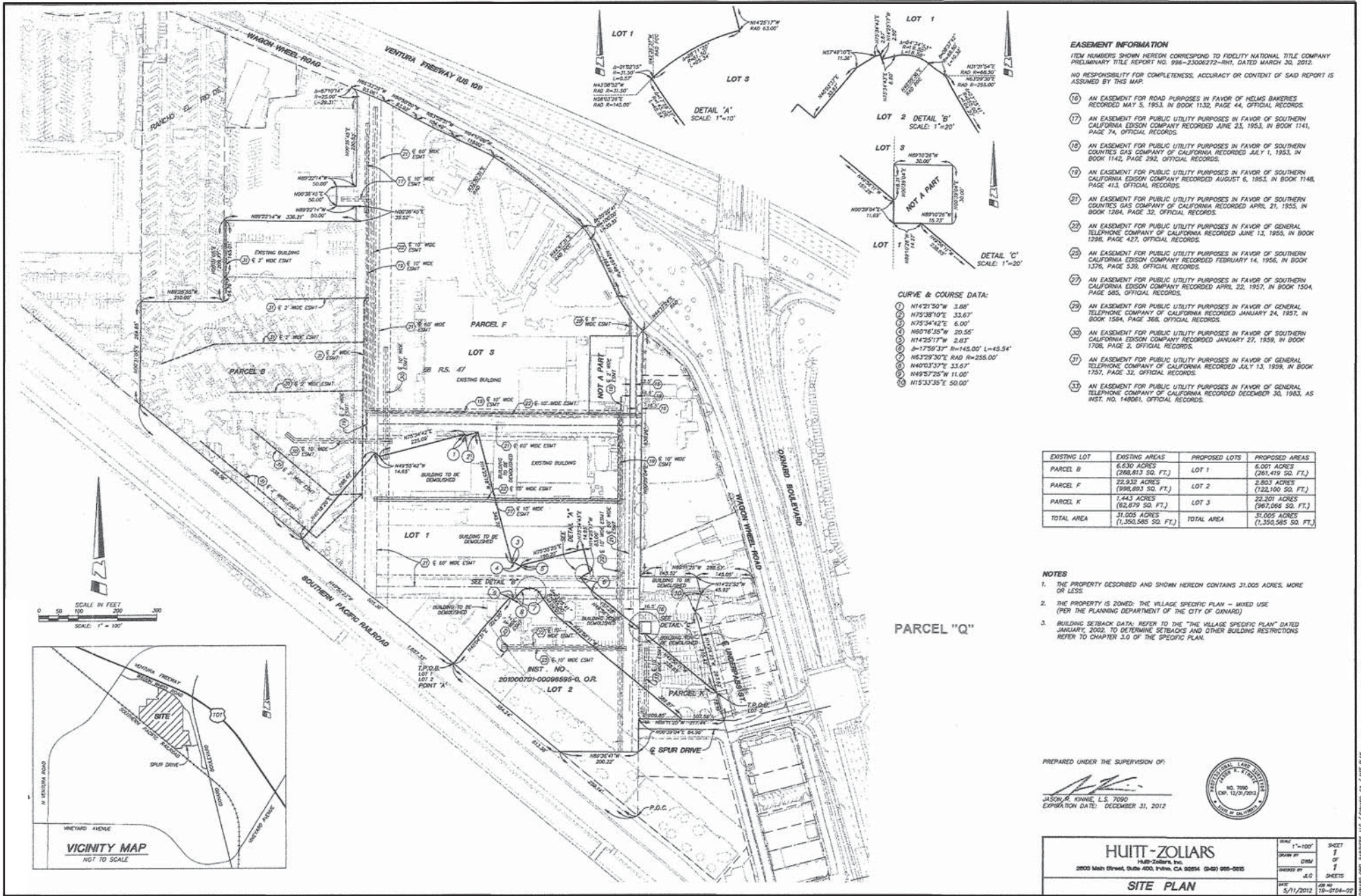


EXHIBIT B

REVISIONS TO ORIGINAL AGREEMENT AND FIRST AMENDMENT

[behind this page]

EXHIBIT B

REVISIONS TO ORIGINAL AGREEMENT AND FIRST AMENDMENT

Section 1. Paragraph 5 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

5. Capital Growth Impact Fees. In connection with the Project, the Developer shall pay to City the capital growth impact fee on a per Dwelling Unit basis on or before issuance of a building permit for any Dwelling Unit, which is assessed at the rate in effect as of May 1, 2020 (the “Growth Fees”). The Developer’s obligation to pay the Growth Fees set forth herein shall be limited to and shall not exceed the amount of \$2,850,000. The parties agree that the Growth Fees and lump-sum payment specified below in this paragraph together fully satisfy the condition described in Mitigation Monitoring Measure No. PS-1(a) for one fire truck and associated fire station upgrade. On or prior to March 1, 2017, Developer shall pay to City an additional lump-sum payment in the amount reasonably requested by the City (not to exceed \$300,000).”

Section 2. Paragraph 7(d) of the Original Agreement is hereby deleted in its entirety and replaced with the following:

7(d). Development Impact Fees In addition to the obligations set forth elsewhere in this Agreement, Developer shall be responsible for paying when due all Development Impact Fees in connection with development of the Project at the rates then in effect. Subject to all applicable laws then in effect, City shall have the right: (i) to charge and apply to the Property all Development Impact Fees and assessments as may be in effect at the time applicable to the Project; and (ii) to increase or otherwise modify any and all Development Impact Fees (including without limitation new categories of impact fees) applicable to the Project.

Notwithstanding any other provision or regulation relating to Development Impact Fees,

(i) the maximum amount of any traffic impact fees assessed shall be limited to no more than 10 percent (10%) above the rate then in effect on the date of issuance of the first building permit for a Dwelling Unit. The limitation set forth herein shall expire on July 1, 2022. If the Ventura Road Offramp and Floodwalls have been completed; or permits have been issued; or, at the sole discretion of the Community Development Director it is determined that (1) significant progress has been made but unanticipated permitting delays have occurred and (2) the projects have been bonded for by July 1, 2022, then the fee shall be locked until July 1, 2024. The fee lock will be further extended to July 1, 2028 if the Floodwall and Offramp construction are

completed by July 1, 2024. After July 1, 2028, Developer shall pay the traffic impact fee then in effect on the date of issuance of a building permit for any Dwelling Unit.

(ii) Until July 19, 2021, the Project shall not be required to pay the Mobility Fee. Credits for the reasonable costs of design, engineering, land, and construction costs of the MUP trail, MUP extension beneath the Highway 101 Bridge on Ventura Road, and the Pedestrian Bridge over Oxnard Boulevard, not otherwise used to offset other required fees, shall be granted for the Mobility Fees, provided all such facilities are completed, or permits issued and have been bonded for by July 1, 2024, or before the Certificate of Occupancy is issued for the 1,300th dwelling unit, whichever occurs sooner. Credits shall be granted at 100% of the verified costs for facilities or portions thereof that have been completed and accepted by the City, and at rate of 50% of the bonded construction costs for facilities or portions thereof that have not yet been constructed, but have been bonded for. At the sole discretion of the Community Development Director, where adequate justification has been provided by the Developer, credits used to offset the Mobility Fee may be increased above 50% of the bonded construction costs where the land value is not reflected in the bonded amounts, but in no case shall this credit exceed 100% of the construction costs that are bonded for. Notwithstanding any language in the Original Agreement, First Amendment and/or Second Amendment to the contrary, under no circumstances shall the Developer be entitled to a refund of the fee credits or a transfer to a third party of the fee credits obtained pursuant to this Section. The Developer shall provide all funding necessary for a mutually agreed upon third party consultants to verify all of the Developer's costs used to obtain fee credits.

(iii) Until July 19, 2021, the Project shall not be required to pay the Park Development Fee. Credits for the reasonable costs of design, engineering, land, and construction costs of the MUP trail, MUP extension beneath the Highway 101 Bridge on Ventura Road, and Parks A, B, and C, not otherwise used to offset other required fees, shall be granted for the Park Development Fee, provided all such facilities are completed, or have permits issued and have been bonded for by July 1, 2024, or before the Certificate of Occupancy is issued for the 1,300th dwelling unit, whichever occurs sooner. Credits shall be granted at 100% of the verified costs for facilities or portions thereof that have been completed and accepted by the City, and at rate of 50% of the bonded construction costs for facilities or portions thereof that have not yet been constructed, but have been bonded for. At the sole discretion of the Community Development Director, where adequate justification has been provided by the Developer, credits used to offset the Park Development Fee may be increased above 50% of the bonded construction costs where the land value is not reflected in the bonded amounts, but in no case shall this credit exceed 100% of the construction costs that are bonded for. Notwithstanding any language in the Original Agreement, First Amendment and/or Second Amendment to the contrary, under no circumstances shall Developer be entitled to a refund of the fee credits or a transfer to a third party of the fee credits obtained pursuant to this Section. The Developer shall provide all funding necessary for a mutually agreed upon third party consultants to verify all of the Developer's costs used to obtain fee credits.

(iv) In consideration for Developer's construction of storm drain

improvements, the City shall waive all City drainage fees relating to the Project. This waiver of payment of current and future City drainage fees shall remain in effect for the term of this Agreement, including any extensions of the Agreement, or the until initial buildout of the Project occurs, whichever occurs first.

Section 3. Paragraph 15.2 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

15.2. Off-site Trail Improvements. Developer shall design a multi-use path extension beneath the Caltrans Highway 101 bridge on Ventura Road. Planning and design work on the multi-use path shall occur concurrently with planning and design work associated with Ventura Road improvement plans. Developer shall not receive Air Quality Fee Credit for the design of this improvement.

Notwithstanding any other provision to the contrary, City shall grant Air Quality Fee credit to Developer for the sum of the value of the land and costs reasonably incurred by Developer in connection with the engineering and construction of the Santa Clara River Trail or multi-use-path, beneath the Caltrans Highway 101 Bridge on Ventura Road, and for the multi-use trail bridge over Oxnard Boulevard in an amount equal to 100% of the verified costs upon City's acceptance of said improvements, or at a rate of 50% of the bonded construction costs for said improvements. At the sole discretion of the Community Development Director, where adequate justification has been provided by the Developer, credits used to offset the Air Quality Fee may be increased above 50% of the bonded construction costs where the land value is not reflected in the bonded amounts, but in no case shall this credit exceed 100% of the construction costs that are bonded for. Notwithstanding any language in the Original Agreement, First Amendment and/or Second Amendment to the contrary, under no circumstances shall Developer be entitled to a refund of the fee credits or a transfer to a third party of the fee credits obtained pursuant to this Section. The Developer shall provide all funding necessary for a mutually agreed upon third party consultants to verify all of the Developer's costs used to obtain fee credits.

Section 4. Paragraph 16.1 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

16.1. Ventura Road Pump System. Prior to the 750th Dwelling Unit Certificate of Occupancy, Developer agrees to install a pump system or other improvements satisfactory to the City, to alleviate the existing drainage flood control deficiency at Ventura Road, near Highway 101. The Community Development Director may provide additional time for Improvements, up to 1,300th Dwelling Unit Certificate of Occupancy, if the Director determines that significant progress has been made and Developer has diligently pursued their construction. At his/her sole discretion, the Community Development Director may provide additional time for Improvements, above 1,300 units, if additional time is needed for permitting from outside agencies, and the pump system improvements have been bonded for.

Section 5. Paragraph 16.5 of the Original Agreement is hereby deleted in its entirety and replaced with the following:

16.5 Solar Energy. All for-sale dwelling units within The Village shall include solar hot water heater stub outs, or tankless water heaters in each unit or other acceptable high energy efficiency water heating, and the necessary pre-wiring to allow solar generated electricity. The Developer may also offer, as an option for the for-sale dwelling units, the installation of roof-mounted solar panels unless otherwise required to be installed by the energy efficiency standards for that building.

Section 6. Section 1 of the First Amendment to the Original Development Agreement is hereby deleted in its entirety and replaced with the following:

Section 1. Developer Participation in Storm Water and Flood Protection.

Developer shall proceed with design and construction of the flood protection improvements, which may include floodwalls, flood improvements and flood protection facilities and storm water quality best management practices devices, along the Ventura Road frontage of the Project identified as Alternative I-C in the RBF Study dated March 2014 (the "Flood Protection Improvements"), in conjunction with the County of Ventura Watershed Protection District (the "District"), to provide protection from flooding by the Santa Clara River. See, Exhibit B, which is attached hereto and incorporated herein by this reference. Developer agrees to fund or construct the Flood Protection Improvements. The Flood Protection Improvements, when constructed and accepted, shall be public improvements maintained and operated through the creation of a Financing District (as that term is defined in Paragraph 1.14 of the Original Agreement) in accordance with Paragraph 7(g) of the Original Agreement and applicable conditions of approval for Tract No. 5745. Developer's obligation in this respect is expressly conditioned upon being able to move forward with the construction of marketable residential units during the design and construction of the Flood Protection Improvements. Therefore, City expressly commits to issue building permits during the design of the Flood Protection Improvements, FEMA review of any Developer submitted Conditional Letter of Map Revision and construction of the Flood Protection Improvements. Developer shall complete construction of the Flood Protection Improvements prior to the earlier of: (i) issuance of the certificate of occupancy for the 544th residential unit within the boundary of Tract No. 5745; or (ii) District's completion of Reach 4 flood protection improvements. The Community Development Director may provide additional time for Improvements, up to 1,300th Dwelling Unit Certificate of Occupancy, if the Director determines that significant progress has been made and Developer has diligently pursued their construction. Notwithstanding in language in this Section to the contrary, Developer acknowledges and agrees that the City shall not grant occupancy for any structure that has not been demonstrated to the satisfaction of the City Engineer to be adequately protected from flooding as of the date of the certificate of occupancy, including (but not limited to)

being protected from a 1% event as per the best available data.

During construction of all residential units, Developer shall take all required actions necessary to protect the units from flooding in accordance with the then-current FEMA map for the Project. Developer agrees to indemnify, defend and hold harmless at Developer's expense, City, the City Council, and City's agents, officers, officials and employees from and against any claim, action or proceeding relating to damage from flooding alleged to have been caused by any action or inaction by City in its regulatory capacity. Such indemnity and defense obligation shall be governed by Paragraph 25(m) of the Original Agreement.



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.3**

DATE: December 1, 2020

TO: City Council

FROM: Kevin Riper, Chief Financial Officer, (805) 385-7475, kevin.riper@oxnard.org

SUBJECT: Accounts Receivable Clean-Up.

RECOMMENDATION

That the City Council approve writing off accounts receivable for three individual customer accounts totaling \$138,736 with aging between 11 and 14 years. (Finance and Governance Committee approved 3-0)

BACKGROUND

Prior audits have recommended that the City write off old debt that has been determined to be uncollectible. As part of the implementation of the 128 recommendations outlined in the organizational assessment, staff from the Finance Department, City Treasurer's Office, City Manager's Office and City Attorney's Office drafted for City Council approval a new policy titled "Accounts Receivable and Bad Debt Policy and Procedures." A charge off of uncollected accounts receivables from the City's accounting records does not constitute forgiveness of the debt or a gift of public funds.

Resolution No. 15,281, which was adopted on November 19, 2019, established that writing off accounts receivable must be approved by the City Council, except when the amount of any individual account is less than \$25,000, in which case the City Manager may approve the charge off.

DISCUSSION

During a detailed review by the Finance Department of the City's accounts receivable aging, 999 customer accounts (of 18,324 accounts in Finance today) totaling \$683,924 were identified that are deemed uncollectible as the statute of limitations has expired. These accounts are for DUIs, false alarms, property damage, and so forth. The aging of these receivables is between 6 and 20 years old.

Extensive collection efforts were made by the City Attorney's Office on these accounts, including sending out 10-day-to-pay notices as well as pursuing unpaid amounts in small claims court.

The City Manager has approved writing off the 996 individual accounts listed above as less than \$25,000 each. Additionally, the City Manager also approved the write-off of uncollectible receivables from Water, Wastewater and Environmental Resources, representing 483 accounts (of 129,343 utility accounts in Billing and Licensing today) with individual balances below \$25,000 that are past due by two years. The total value of these utility accounts is \$193,439.71. Staff is requesting the Council to approve the write-off of the following three accounts over \$25,000.

<u>Customer</u>	<u>Receivable</u>	<u>Aging</u>	<u>Description</u>
Customer #7294	\$25,781	14 years	Property damage
Customer #8773	\$35,755	11 years	Vehicle damage
Customer #8667	\$77,200	11 years	Property damage

Staff has limited information on these three accounts. Customer #7294's account is regarding property damage. In January 2007, the then-City Attorney decided the case was not worth pursuing as the amount owed exceeded the small claims jurisdictional limit, and the cost of a civil trial would outweigh any possible return. If the City were to prevail, this customer had no insurance and held no assets (i.e., the customer was "judgment proof"). Customer #8773's account is for vehicle damage. The court reduced the amount of damage by \$17,714.46, and the judgment for the balance has expired. Customer #8667's account is for property damage. This receivable was not brought to the collection program to pursue judgment or collection; staff does not know why this step was not taken 11 years ago.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to strengthen and stabilize the organizational foundation of the City in the areas of Finance, Information Technology, and Human Resources, and to improve workforce quality while increasing transparency to the public. This item supports the following goals and objectives:

Goal 1. To help foster a healthy and accountable corporate foundation by strengthening the support functions of the organization, which include Finance, Information Technology and Human Resources.

Objective 1a. Ensure the 128 recommendations outlined in the organizational assessment are implemented through the 3 phased implementation action plans adopted by Council in July, 2015 and provide periodic reports to Council on the status of the implementation plans.

FINANCIAL IMPACT

There is no financial impact as an allowance for doubtful accounts has long existed for these bad debts.

COMMITTEE OUTCOME

The Finance and Governance Committee approved 3-0 on July 28, 2020 to approve the staff recommendation and to forward the item for Council approval. The Committee queried Finance Department staff on how the City holds its collection agency accountable for performance (Answer: the collection agency gets paid only after it actually collects something) and about the frequency of monitoring and reviewing uncollectible debts (Answer: annually). The Committee also asked the Department of Billing & Licensing if utility billing accounts referred to the collection agency go onto customers' credit reports (Answer: yes).

Prepared by: Tonya Cheng, Controller

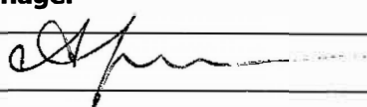
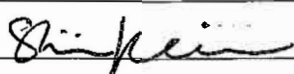
ATTACHMENTS

1. Accounts Receivable Bad Debt Policy & Procedures

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

Approved by: Alexander Nguyen, City Manager 	Approved by: Shiri Klima, Deputy City Manager 
--	---

PURPOSE:

To establish policies and procedures for providing adequate internal controls over receivables, allowance for uncollectible accounts, and write-off of accounts receivable, and to ensure that all reasonable diligence has been used to account for and collect City revenues.

Types of receivables covered by this policy include but are not limited to: business license tax, transient occupancy tax, utility billings, regulatory and development impact fees, fees for services, waste disposal fees, code compliance, recovery for damage to City property, fines and penalties, recovery of expenditures from granting agencies, and legal judgments.

The City of Oxnard accounts receivable billing process is decentralized. Each administering department shall designate one or more persons responsible for their respective billing programs, which includes generation and distribution of invoices. Each program manager shall be responsible for ensuring reasonable collection efforts.

POLICY (Administrative Manual Section D-23):

It is the policy of the City of Oxnard to actively pursue collection of past-due accounts receivable, regularly review the status of past-due accounts, and write-off (on an annual basis at fiscal year-end, unless definitively deemed uncollectible during the year) amounts determined to be uncollectible. After exhausting reasonable efforts to collect past due accounts, the department providing the services for which the debt is owed shall prepare and send a ten-day collection notice on the form provided by the Office of the City Attorney (see Appendix A). The department shall submit to the City's debt collection vendor each account at least 60 days past due and remaining uncollected after the ten-day response period, in accordance with the procedures established through the vendor's contract with the City. A write-off of uncollectible accounts receivable from the City's accounting records does not constitute forgiveness of the debt or a gift of public funds. Authorization to write-off accounts receivable must be approved by the City Council unless such authorization is delegated by City Council to the City Manager or his/her designee. (See Resolution No. 15,281 for such delegation.)

PROCEDURES:

I. BILLING

The City's billing process is currently decentralized and invoices may be issued by the department administering the service or debt due. Types of receivables covered by this policy include but are not limited to: business license tax; transient occupancy tax; utility billings; regulatory and development impact fees; fees for services; recovery for damage to City property; fines and penalties; recovery of expenditures from granting agencies, and legal judgments. The preferred method of billing is through the accounts receivable module of the City's financial system;

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

however, in some circumstances, invoices may be created manually and recorded via journal entry (see attached template in Appendix B). All invoices should meet the following requirements:

- A. Each invoice shall be sequentially numbered and contain the name, address, and telephone number, if available, of the debtor, amount due to the City and a description of the goods, services, or other debt being billed. Invoices must be mailed promptly and contain clear, detailed information.
- B. Invoices shall be generated for any debt to the City.
- C. Invoices shall abide by all relevant resolutions, ordinances and regulatory agency guidance.

II. AGED RECEIVABLES AND DELINQUENCY MONITORING

Accounts receivable aging reports provide information regarding the length of time a debt has been outstanding and whether an account is current or delinquent. These reports are management tools that allow for analysis and review of current and past due invoices. Accounting standards require debt records to be maintained in a manner that provides information regarding payment status of the debt. Accounts receivable aging reports will be generated to facilitate the analysis of the aging of such receivables: less than 30 days, 30-60 days, 61-90 days, 91-120 days, over 120 days.

- A. For billings managed through the accounts receivable module, the Finance Department will run the accounts receivable aging report monthly and send to the responsible departments a listing of invoices over 30 days past due to contact their customers about payment status.
 1. The Finance Department will generate a statement for each customer with invoices over 30 days past due along with the City Attorney's ten-day notice letter (see Appendix A).
 2. If accounts remain outstanding 60 days past the due date, the outstanding debt will be referred to the City's debt collection vendor, unless the responsible department provides a reasonable explanation of extenuating circumstances to not refer the account to collection vendor.
 3. The City Council must approve any property liens placed due to non-payment of invoices.
- B. For billings managed outside the accounts receivable module (e.g., utility billings managed in a separate module by Treasury Department, Police Department billings managed by third party), the administering department must monitor the receivables and collections in accordance with this policy.
 1. On a regular basis (at least monthly), the administering department will monitor status of accounts receivable and make reasonable efforts to collect amounts due. Accounts past due 60 days or more should be referred to the City's debt collection vendor.
 2. On an annual basis, within fifteen business days following year-end, the administering department will forward an accounts receivable aging to the Finance Department.
 3. On an annual basis, the administering departments must submit to the Finance Department a detailed listing of any proposed accounts to write-off with justification for write-off. (See Allowance for Doubtful Accounts and Write-off of Uncollectible Accounts below.)
- C. Interest and Penalties: The City may assess interest on unpaid debt to the City, as authorized by state law. The City's policy is to assess a penalty of 10% on utility service bills not paid within one month after the billing date.

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

III. PAYMENT AND REFUND PROCESSING

A. Installment Payment Plans

Payment plans may be arranged depending on the type of debt and amount involved. A formal, signed agreement by the debtor in a form approved by the City Attorney will be written to provide a payment schedule for the debtor, including a statement that renders the arrangement null and void if payments are not made as agreed. The entire balance will be due if the debtor defaults on the agreement. The installment schedule shall not exceed one year.

B. Promissory Notes

In certain situations, a promissory note may be used as a form of payment plan. The debtor signs the promissory note for the amount due plus accrued interest, currently at 10% and not to exceed 1 year. The City may choose to take the promissory note to the County recorder's office for official recording, and the City may pursue legal action if the payments are not made on schedule.

C. Refunds

Payments received in error, or paid in excess of the invoice total, will be refunded to the payer by check or electronically.

A request for refund form must be submitted to the Finance Department for review and approval. The form must be accompanied by proof of original payment, such as a copy of the canceled check or a bank statement showing the amount was debited electronically. This ensures that the original payment has cleared the bank and that the refund is being issued to the appropriate party. If a copy of the canceled check is not available, other acceptable proof of payment may be accepted on a case by case basis. Refund requests for utility bills are governed by Resolution Number 15,069 and requests for penalty fee waivers and debt forgiveness are governed by Resolution Number 15,043. Refund requests for overpayment of business taxes are governed by City Code Section 11-23.

D. Depositing of Funds from Grantors, Developers, Partners and Other Entities

Certain transactions (e.g. grants, developer fees, etc.) involve agreements, resolutions and/or ordinances which specify amounts to be paid as reimbursement for previous or future City expenditures. In order to ensure proper accounting, these amounts should be entered into the accounts receivable module of the City's financial system by the Finance Department. A copy of the invoice and backup must be sent to the Finance Department's Accounting Division as supporting documentation and a written notification must be sent to City Treasurer's office with proper project and account coding for processing of payments received.

E. Vendor Offset

The purpose of vendor offset is to provide the City with an additional method for collection of past due amounts (90 days delinquent or greater) owed primarily by businesses or individuals acting in a business capacity. Payments due may be withheld in full or in part to satisfy a debt due the City if allowed by federal, State, or local law.

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

IV. ALLOWANCE FOR DOUBTFUL ACCOUNTS & WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS

Collection efforts shall be performed for a period equivalent to the statute of limitations or sooner. If bankruptcy has been discharged for the account, a business no longer exists, or an individual is deceased, such amounts may be written off upon appropriate authorization.

A. Allowance for Uncollectible Accounts

Each department will monitor its respective receivables and may provide input to the allowance formula and write-off criteria; the Finance Department is responsible for determining the appropriate allowance level and deciding whether an account balance should be written off in accordance with generally accepted accounting principles.

1. Allowance for uncollectible accounts managed through the accounts receivable module will be initially established at 90% of the balance of outstanding invoices greater than 120 days past due at each year-end.
2. Utility billing allowance will be established at approximately 2% of the utility billing receivable balance at June 30th of each fiscal year.
3. The Finance Department will re-evaluate allowances annually and adjust to reflect historical experience with write-offs, trends in receivable aging and the current economic environment.

B. Write-off of uncollectible accounts:

Acceptable reasons for writing off a receivable account include:

- **Discharged Bankruptcy.** The account has been discharged through bankruptcy court, and the file has been noted with the date filed, number, court district, and date of discharge.
 - **Deceased.** The debtor is deceased with no estate.
 - **Invalid Referral.** The account was assigned in error. A billing should not have been generated.
 - **No Judgment.** The debt was reviewed by a court, and the court determined that the debt could not be substantiated.
 - **Statute of Limitations.** The statute of limitations has expired (usually after four years) without payment or promise of payment since the last transaction date.
 - **Amount Does Not Warrant Further Effort.** No response to demand for payment. Further pursuit would not be cost effective.
1. A memo documenting the detail of the receivable(s) (purpose, principal, interest, date of original transaction) and the rationale for writing off the receivable as uncollectible, shall be approved by the department director or designee and forwarded to the CFO. The responsible department and the Finance Department will jointly request City Council approval of the write-off, or City Manager approval if such authorization has been delegated by City Council via resolution.

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

2. For any account written-off, customer information will be retained in the accounts receivable module in order to have continued enforcement of service denied on credit until previously written-off balances have been paid in full. If an account was mistakenly written-off or a previously uncollectible amount is received after being written-off, the account may be reactivated.

C. Adjusted, Voided, or Reversed Transactions

When a department adjusts, voids, or reverses a transaction for any reason, appropriate supporting notes or documentation are to be retained in the customer's account file. In addition, a note should be placed on the customer's account in the City's financial system's accounts receivable module.

V. ACCRUING RECEIVABLES

Accrued receivables include revenue from property and sales tax, transient occupancy tax (hotel tax), franchise fees, utility billings, business licenses, PEG fees, miscellaneous receivables and grant revenue. The criteria for recognizing federal, State and other governmental aid revenues are outlined below:

- A. Federal, State and other governmental aid revenues will be accrued if any cost associated with a grant or allocation has been incurred in the current fiscal year. The criteria for recognizing governmental aid revenues is necessary to match program expenditures with related funding sources and provide an accurate accounting of revenue earned during the year.
- B. All other revenues will be recognized using the modified accrual basis, which means that revenue is recognized if the amount is measurable and will be available to finance current expenditures and the year-end liabilities of the fund.
- C. Transactions requiring revenue accrual:
 1. Receipts over \$5,000 that are received in July and August related to prior fiscal year services
 - a. Enter "Accrue FY 20XX-XX (prior FY)" in the description column in the system
 2. Grants – Eligible expenditures incurred and expected to be reimbursed within one year following fiscal year-end. Revenue accrual schedule completed by each administering department.
 3. Receipts over \$100,000 that are received between September 1 and October 31 related to revenue earned in prior fiscal year that have not been previously accrued
 - a. Receiving department provides a copy of the receipt to the Finance Department for review and accrual.

VI. RESPONSIBILITIES:

Each department shall designate one or more persons responsible for its respective billing programs. Each program manager shall be responsible for ensuring reasonable collections, including any rejected payments or returned (NSF) checks. The Finance Department shall be responsible for ensuring compliance with this policy.

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

A. Receiving Department

1. The Treasurer's Office receives cash from four sources: through the mail, at a public counter, electronic payments via EFT/wire transfers, and from the various City departments.
2. The department that receives cash receipts must forward those receipts to the Treasurer's Office for deposit.
3. For revenue that has been accrued, once the receiving department receives the revenue, it is to notify the appropriate accountant in the Finance Department who will reverse the accrual in the year it is received (debit revenue, credit receivable).

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

GLOSSARY

Account Receivable - Asset of City reflecting a debt that is owed to the City that has not yet been received by the City.

Accounts Receivable Aging Analysis – A report that lists the debtor name, invoice date, invoice number, and amount due sorted by delinquency status: less than 30 days, 30-60 days, 61-90 days, 91-120 days, over 120 days. This information is used to identify problem accounts and to determine which accounts may be uncollectible.

Accounts Receivable System – A system used to record all bills that have been issued to customers/debtors. It has the capacity to track outstanding accounts and facilitate follow up on delinquent accounts.

Allowance for Bad Debts: An allowance for bad debts is an estimate of uncollectible accounts receivable. It is identified as a contra asset account and netted against accounts receivable on the City's statement of net position/balance sheet. When the allowance is first established and updated annually, a journal entry is recorded to debit bad debt expense and credit the allowance for bad debts.

Bad Debt Expense: Bad debt expense represents the estimated uncollectible accounts for the fiscal year that is included in the Statement of Revenues and Expenditures in the City's financial statements.

Debtor - Person, business or other entity that owes amounts to the City based on contractual arrangements, services rendered, judgments entered, or for taxes due.

Past Due - An account is past due if City has not received payment of a charge by the due date; usually within 30 days, with exception of retiree or leave of absence benefits, which are due within ten days of invoice date.

Uncollectible Accounts Receivable: Generally accepted accounting principles require that a determination be made between receivables deemed to be collectible and those considered uncollectible. Uncollectible accounts receivable include outstanding accounts that are legally determined to be without merit, costs of recovering asset will exceed potential recovery, and/or the debtor cannot be located or is bankrupt.

Write-Off – If all collection efforts have been exhausted and the account is either considered to be uncollectible or the amount owed is too small to warrant further collection efforts, the amount may be written off of the account. The journal entry will be to debit the allowance for bad debts and credit accounts receivable after approval by the City Council or City Manager, as authorized per resolution.

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

Single Audit findings related to accounts receivable and bad debts:

2015-051 Accounts Receivable reconciliation to general ledger: *Implemented in FY2018-19. Part of quarterly reconciliation process.*

2015-052 Aging and Collections for Utilities not centralized in Finance. Utility posting not tied to general ledger posting: *Partially implemented in FY2018-19. Utility posting to general ledger reconciliation is part of monthly bank reconciliation process. Treasury reconciles utilities receivable due to decentralized operations.*

2015-053 Receivable Aging reports not reviewed by Finance for Allowance:
Miscellaneous receivables are reviewed monthly for delinquent accounts. A list is created with documentation to be submitted to collection agency.

2015-054 Written policies and procedures for allowance of uncollectible accounts:
Implementation targeted for July 1, 2019.

2015-055 Grants Management: *Decentralized, Asst. CFO and grant accountants to work with various departments for review of accruals and deferred revenues.*

2015-056 Grant receivable were not tracked and reconciled to the general ledger on a monthly basis: *Decentralized, Asst. CFO and grant accountants to work with various departments for review of accruals and deferred revenues.*

2015-057 FEMA: *Decentralized, Asst. CFO and grant accountants to work with various departments for review of accruals and deferred revenues.*

2017-014 Repeat of 2015-055 and 2015-056 Grant revenue cycle: *Decentralized, Asst. CFO and grant accountants to work with various departments for review of accruals and deferred revenues.*

2018-011 Repeat of 2015-051, 2015-053, 2015-054 Non grant revenue cycle: *Management Accountant implemented major revenue tracking FY2017-2018. Implementation of written procedure for allowance methodology targeted for July 1, 2019.*

City of Oxnard Administrative Policies and Procedures

ACCOUNTS RECEIVABLE & BAD DEBT POLICY AND PROCEDURES

Effective July 1, 2019

APPENDIX A

City Attorney "Ten Day" Letter Template

Office of the City Attorney

305 West Third Street, Suite 100E
Oxnard, California 93030
(805) 385-7483
Fax (805) 385-7423



May 29, 2019

NAME(S)

ADDRESS

OXNARD, CA 93030

Re: Outstanding Balance on Type of Account
Account No. [REDACTED]

Dear [REDACTED]:

The Department for the City of Oxnard has forwarded your account to this office for collection. Unless payment of \$[REDACTED] is received by the Department within ten (10) days of the date of this letter, the City will forward your account to an outside collection agency or may initiate legal action without further notice to collect the outstanding balance on your City Type of Account account.

My sincere hope is that these steps will not be necessary, and that you will make arrangements to pay in full immediately.

If you are unable to pay the entire balance owing, please call Contact Name, Dept/Div Name, within ten (10) days of the date of this letter to see if you may be eligible for a payment plan.

If there are any questions, please contact Contact Name, Dept/Div Name, between the hours of 8:00 a.m. to 6:00 p.m., Monday through Thursday, at (805) [REDACTED].

Very truly yours,

Stephen M. Fischer
City Attorney



**CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.4**

DATE: December 1, 2020

TO: City Council

FROM: Alexander Hamilton, Interim Fire Chief, (805) 385-7708, alexander.hamilton@oxnard.org

SUBJECT: Ventura County COVID-19 Cities Assistance Program.

RECOMMENDATION

That City Council adopt a resolution ratifying the Subaward Agreement for the Ventura County COVID-19 Cities Assistance Program (A-8264) between Ventura County and the City of Oxnard for Coronavirus Relief Funds (CRF) in an amount not to exceed \$1,379,570, and authorizing and approving the execution and submittal by the City Manager or designee of any additional agreements, forms and documentation that may be required regarding the City's allocation of such funds. (Finance & Governance Committee approved 3-0)

BACKGROUND

On Tuesday, October 20, 2020, the Ventura County Board of Supervisors allocated up to \$5 million in County CRF to its 10 cities based on population. The City of Oxnard has been allocated \$1,379,570.

The County will reimburse cities for the following costs incurred through October 30, 2020:

1. Non-labor related eligible costs (Services and Supplies)
2. Labor costs related to substantially dedicated public health and public safety
3. Business Ambassador program

CRF funds must cover costs that: are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease (COVID-19); were not accounted for in the most recently approved budget as of March 27, 2020 (the date of the enactment of the CARES Act); and were incurred during the period that begins on March 1, 2020 and ends on October 30, 2020.

Approval of the attached resolution will ratify the Subaward Agreement for Ventura County CRF allocation to the City of Oxnard, which the City Manager was required to sign and submit by the November 6 deadline established by the County. The resolution also authorizes and approves the execution and submittal by the City Manager or designee of any additional agreements, forms and documentation that may be required regarding the City's allocation of Ventura County CRF.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

County CRF do not require a local match. Funds will be used to offset the cost of necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) between March 27, 2020 and October 30, 2020.

COMMITTEE OUTCOME

The Finance & Governance Committee approved 3-0 on November 10, 2020.

Prepared by: Amy Van Atta, Management Analyst II

ATTACHMENTS

1. County Award Letter 10.23.2020
2. Exhibit_A.Agreement No. A-8264.City_Sigs
3. County CRF Subaward Agreement Ratification Resolution.v2



County of Ventura County Executive Office MEMORANDUM

DATE: October 23, 2020
TO: City Managers and Fiscal Officers
FROM: Scott Powers, Senior Deputy Executive Officer
SUBJECT: Ventura County COVID-19 City Assistance Program

On Tuesday, October 20, 2020, the Ventura County Board of Supervisors allocated up to \$5 million in County CRF to its 10 cities based on population. An additional \$100,000 was allocated to 5 cities with fewer than 50,000 in population. Attached to this letter is a list with the amount of CRF allocated to each city in Ventura County.

To help meet federal guidelines and reduce the risk of returning funds to the Treasury due to ineligible costs, the County staff is partnering with consultants at Ernst & Young (EY) to develop and review the County's federal-funded programs. Based on a review of the preliminary information cities provided regarding COVID-19 related expenditures, the County will reimburse cities for the following costs incurred through October 31, 2020:

- 1) Non-labor related eligible costs (Services and Supplies)
- 2) Labor costs related to substantially dedicated public health and public safety
- 3) Business Ambassador program

In order to receive your city's CRF allocation from the County, please submit the attached Subrecipient Agreement, which includes an expenditure plan template, along with requested supporting documentation listed in the template to the County **no later than November 6, 2020** to covid.financial@ventura.org. County staff and EY will review the information submitted and notify the city when the submittal has been approved, or if additional information is needed.

Program Timeline

#	Step	Timeframe
1	Complete Application	By Friday, November 6, 2020
2	Initial Screening	Monday, November 9 through Friday, November 27, 2020
3	Detailed Review and Assessment	
4	Notify the City	
5	Signed Subaward Agreement	
6	Issue Funds	As needed, pending audit
7	Additional Documentation	
8	Closeout	Spring 2020

If you have any questions regarding this program, please e-mail James Importante, Program Management Analyst in the County Executive Office at james.importante@ventura.org.

Attachments: 1) CRF Allocation by City, 2) Subaward Agreement, 3) Exhibit 3 of Subaward Agreement

**SUBAWARD AGREEMENT FOR THE
VENTURA COUNTY COVID-19
CITIES ASSISTANCE PROGRAM**

This Subaward Agreement for the Ventura County COVID-19 Cities Assistance Program (“Agreement”) is hereby entered into by and between the County of Ventura (“County”) and the City of Oxnard (“Subrecipient”).

**ARTICLE I
PURPOSE OF AGREEMENT**

1. The purpose of this Agreement is to provide Subrecipient with funding (“Subaward Funds”) from the federal Coronavirus Relief Fund (“CRF”) pursuant to the Ventura County COVID-19 Cities Assistance Program (“Program”), to be used for Subrecipient’s unreimbursed COVID-19-related costs that were incurred during the period of March 1, 2020, through October 31, 2020, in accordance with section 601(d) of the Social Security Act and the United States Department of the Treasury’s guidance on eligible expenses. The Subaward Funds will be limited to unreimbursed COVID-19-related costs for non-labor (services and supplies) expenses, payroll costs for public safety employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, and payroll costs for other staff whose services were directly related to code enforcement activities to ensure ongoing compliance with state and County public health orders by assisting businesses through education in order to open or remain open (“Business Ambassador Program”) during the COVID-19 public health emergency (collectively, “Eligible Expenses”). For purposes of this Agreement, County serves as the pass-through entity for a federal award and Subrecipient serves as the recipient of a subaward.

**ARTICLE II
REPRESENTATIONS**

2. The parties agree that this Agreement is entered into based on the following representations:

2.1. County representations:

2.1.1. County represents to Subrecipient it received the Subaward Funds from the federal government, and County has the authority to subaward the Subaward Funds to Subrecipient and set the terms and conditions outlined in this Agreement.

2.1.2. County represents to Subrecipient that it has authority to disburse the Subaward Funds under this Agreement.

2.2. Subrecipient’s representations:

2.2.1. Subrecipient represents to County that it is fully qualified and eligible to receive the Subaward Funds awarded to it by County as part of this Agreement.

2.2.2. Subrecipient represents to County that it understands that any funding provided through the Program will be limited to Eligible Expenses and is authorized under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief and Economic Security Act (the "CARES Act") and that it will follow all requirements of the CARES Act, including, but not limited to, all related guidance, including subsequent guidance, issued by the United States Department of the Treasury.

2.2.3. Subrecipient acknowledges that County intends to award a portion of the CRF to Subrecipient, and further acknowledges that the Subaward Funds may be utilized only for the uses authorized by this Agreement and the CARES Act.

2.2.4. Subrecipient covenants that the use of the Subaward Funds by Subrecipient is limited to only those uses for which the Subaward Funds may be utilized under this Agreement and the CARES Act.

ARTICLE III SUBAWARD FUNDS, TERMS AND CONDITIONS

3. County will pass-through the Subaward Funds to Subrecipient in the maximum total payment amount(s), as specified in Exhibit 1. In consideration of the Subaward Funds, Subrecipient agrees to the terms and conditions set forth in this Agreement and in Exhibits 1, 2 and 3, which are attached to this Agreement.

ARTICLE IV TERM AND TERMINATION; SUSPENSION; NON-COMPLIANCE; SUBAWARD FUNDS

4.1. Term and Termination. The term of this Agreement will commence on November 17, 2020. This Agreement may be terminated consistent with 2 Code of Federal Regulations ("C.F.R.") part 200.339 or pursuant to the terms and conditions set forth herein.

4.2. Suspension. County may suspend this Agreement, in whole or in part, pursuant to a funding failure or if Subrecipient fails to comply with terms and conditions of this Agreement. If suspension is due to Subrecipient's failure to comply, County may withhold further payment pending corrective action by Subrecipient or a decision to terminate this Agreement by County.

4.3. Non-compliance. If Subrecipient fails to comply with applicable statutes and regulations or the terms and conditions of this Agreement, County may impose additional

conditions on Subrecipient, as described in 2 C.F.R. part 200.207. If County determines that non-compliance cannot be remedied by imposing additional conditions, County may take one or more of the actions described in 2 C.F.R. part 200.338.

4.4. Availability of Appropriation; Sufficiency of Funds. This Agreement is contingent upon and subject to the availability of sufficient funds. County may terminate or suspend this Agreement at any time, without advance notice, without penalty or further payment being required, if (i) sufficient funds for this Agreement have not been appropriated or otherwise made available to County by the state or the federal funding source, (ii) the County reserves funds, or (iii) County determines that funds will not or may not be available for payment. County shall provide notice, in writing, to Subrecipient of any such funding failure and its election to terminate or suspend this Agreement as soon as practicable. Any suspension or termination pursuant to this section will be effective upon the date of the written notice unless otherwise indicated.

4.5. Termination for Assignment. County may terminate this Agreement immediately, without advance notice, if Subrecipient assigns or purports to assign this Agreement or any portion thereof to a third party without the prior written consent of County.

ARTICLE V ADDITIONAL REQUIREMENTS

5.1. Subaward Funds.

5.1.1. Return of Subaward Funds. Subaward Funds that are not expended by Subrecipient to cover Eligible Expenses incurred during the period of March 1, 2020, through October 31, 2020, shall be returned to County on or before December 30, 2020.

5.1.2. Interest. All interest earned on Subaward Funds held by Subrecipient shall be treated in accordance with 2 C.F.R. part 200.305(b)(9). Any amount due shall be remitted annually in accordance with 2 C.F.R. part 200.305(b)(9) or to County, as applicable.

5.1.3. Subaward Funds shall be placed in an insured account, whenever possible, that bears interest, unless exempted under 2 C.F.R. part 200.305(b)(8).

5.1.4. Duplication of Benefits. Subrecipient shall not use Subaward Funds for costs which Subrecipient has received or will receive funds through other grant, insurance, state or federal sources.

5.1.5. Subrecipient shall be liable for all amounts which are determined to be ineligible expenses or to be due as a result of disallowance by the federal government, the State of California, or County, or any other governmental agency with jurisdiction. Payment

of any disallowed costs must be made within 30 days of notification of the disallowed costs, unless otherwise specified by County. Subrecipient will be notified of any disallowed costs or any other controversy or proceeding between County, the State of California, or the federal government arising from the performance of this Agreement.

5.2. **Mandatory Criminal Disclosures.** Subrecipient shall continue to disclose to County all violations of criminal law involving fraud, bribery or gratuity violations potentially affecting this subaward. Additionally, if Subrecipient receives over \$10 million in total financial assistance, funded by either state or federal funds, during the period of this Agreement, Subrecipient must maintain the currency of information reported to the System for Award Management ("SAM") regarding civil, criminal or administrative proceedings as required by 2 C.F.R. part 200.113 and appendix XII of 2 C.F.R. part 200.

5.3. **Compliance with Applicable Laws.** Subrecipient shall comply with the requirements of all applicable federal, state and local laws and the rules and regulations promulgated thereunder. Subrecipient shall comply with the following provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. part 200): 2 C.F.R. part 200.303 regarding internal controls; 2 C.F.R. 200.330 through 200.332 regarding subrecipient monitoring and management; subpart E regarding cost eligibility requirements; and subpart F regarding audit requirements.

5.4. **Compliance with Nondiscrimination Laws.** Subrecipient, its employees and its subcontractors under subcontract made pursuant to this Agreement shall comply with all applicable provisions of state and federal laws and regulations pertaining to nondiscrimination, sexual harassment and equal employment opportunity including, but not limited to, the following laws and regulations and all subsequent amendments thereto:

5.4.1. The California Civil Rights Laws (Civ. Code, § 51 et seq. (public accommodations); Gov. Code, §12940 et seq. (housing & employment));

5.4.2. The United States Civil Rights Act of 1964 (as amended) (42 U.S.C. §§ 2000a and 2000h-6). (See also guidelines to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons [Federal Register: February 18, 2002 (Volume 67, Number 13, Pages 2671-2685)]);

5.4.3. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794);

5.4.4. The Americans with Disabilities Act of 1990 (as amended) (42 U.S.C. § 12101 et seq.); and

5.4.5. The Age Discrimination Act (42 USC § 6101 et seq.).

ARTICLE VI

INDEMNIFICATION, HOLD HARMLESS

6.1. Subrecipient agrees to defend, indemnify, and save harmless County, including all of its boards, agencies, departments, officers, employees, agents and volunteers, against any and all claims, lawsuits, judgments, debts, demands and/or liability, whether against Subrecipient, County or others, including without limitation, those arising from injuries or death of persons and/or for damages to property, arising directly or indirectly out of the obligations herein described or undertaken or out of operations conducted or subsidized in whole or in part by Subrecipient, save and except claims or litigation arising through the sole negligence or wrongdoing and/or sole willful misconduct of County. Subrecipient agrees to waive all rights of subrogation against County for losses arising directly or indirectly from the activities and/or work covered by this Agreement.

6.2. Payments to Third Parties. Subrecipient agrees to hold harmless County when County acts in good faith to redirect all or a portion of any Subaward Funds to a third party. County will be deemed to have acted in good faith if it is in possession of information that indicates Subrecipient authorized County to intercept or redirect payments to a third party or when so ordered by a court of competent jurisdiction.

ARTICLE VII GENERAL PROVISIONS

7.1. Conflict of Interest; Required Disclosures. Subrecipient must immediately disclose in writing any potential or actual conflict of interest to County as required by 2 C.F.R. part 200.112.

7.2. Lobbying.

7.2.1. Improper Influence. Subrecipient certifies that no Subaward Funds have been paid or will be paid by or on behalf of Subrecipient to any person for influencing or attempting to influence an officer or employee of any government agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any agreement, the making of any subaward, the making of any loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment or modification of any agreement, subaward, loan or cooperative agreement. (31 U.S.C. § 1352.) Additionally, Subrecipient certifies that it has filed the required certification under the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352), if applicable.

7.2.2. Federal Form LLL. If any funds, other than federally appropriated funds, were paid or will be paid to any person for influencing or attempting to influence any of the above persons in connection with this Agreement, the undersigned must also complete and submit Federal Form LLL, Disclosure of Lobbying Activities Form, in accordance with

its instructions.

7.2.3. Lobbying Costs. Subrecipient certifies that it is in compliance with the restrictions on lobbying set forth in 2 C.F.R. part 200.450. For any indirect costs associated with this Agreement, total lobbying costs shall be separately identified in the program budget, and thereafter treated as other unallowable costs.

7.3. Further Actions. The parties hereto agree that they will execute any and all documents and take any and all other actions as may be reasonably necessary to carry out the terms and conditions of this Agreement.

7.4. Notices. All notices required or permitted under this Agreement will be made in writing and served by personal delivery, overnight mail or United States first-class mail, postage prepaid, on the other party at the following address:

To Subrecipient: City of Oxnard
Office of the City Manager
Attn: Alexander Nguyen
300 W. Third Street
Oxnard, CA 93030

To County: County of Ventura
County Executive Office
800 South Victoria Avenue
Ventura, California 93009

Service of notice shall be deemed complete on the date of actual delivery, if by personal delivery or overnight mail, or at the expiration of the third day after the date of mailing (whether or not actually received by the addressee), if by United States first-class mail. A party may change that party's address as set forth in this section by serving notice as provided in this section.

7.5. Legal Representation. Each party warrants and represents that in executing this Agreement, the party has relied upon legal advice from attorneys of the party's choice (or had a reasonable opportunity to do so); that the terms of this Agreement have been read and their consequences (including risks, complications and costs) completely explained to the party by those attorneys (or the party had a reasonable opportunity to do so); and that the party fully understands the terms of this Agreement. Each party further acknowledges and represents that the party has executed this Agreement freely and voluntarily without the undue influence of any person, and the party has not relied on any inducements, promises or representations made by any person not expressly set forth in this Agreement.

7.6. No Waiver. Failure by a party to insist upon strict performance of each and every term, condition and covenant of this Agreement shall not be deemed a waiver or

relinquishment of the party's rights to enforce any term, condition or covenant.

7.7. Partial Invalidity. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the parties intend, and it shall be so deemed, that the remaining provisions of this Agreement shall continue in full force without being impaired or invalidated in any way. If such provision is held to be invalid, void or unenforceable due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

7.8. Interpretation of Agreement. For purposes of interpretation, this Agreement shall be deemed to have been drafted by both parties, and no ambiguity shall be resolved against any party by virtue of the party's participation in the drafting of the Agreement. Accordingly, Civil Code section 1654 shall not apply to the interpretation of this Agreement. Where appropriate in the context of this Agreement, the use of the singular shall be deemed to include the plural, and the use of the masculine shall be deemed to include the feminine and/or neuter.

7.9. Governing Law; Venue. This Agreement is made and entered into in the State of California and shall, in all respects, be interpreted, governed and enforced in accordance with the laws of the State of California applicable to agreements entered into and fully to be performed therein. The venue for any action, suit, arbitration, judicial reference or other proceeding concerning this Agreement shall be in Ventura County, California.

7.10. Entire Understanding. This Agreement, including Exhibits 1, 2, and 3, is an integrated agreement and constitutes the final expression, and the complete and exclusive statement of the terms of, the parties' agreement with respect to the subject matter hereof.

7.11. Amendments. Any changes to this Agreement will not be effective until set forth in a written amendment to this Agreement signed by both parties.

7.12. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

SIGNATURES CONTINUED ON PAGE 8

Agreement No. A-8264

In witness whereof, the parties hereto have executed this Agreement.

CountySubrecipient

By _____
Scott Powers
Senior Deputy Executive Director

By 
Alexander Nguyen
City Manager

By 
Steve Naveau
Director, Human Resources

EXHIBIT 1**VENTURA COUNTY COVID-19 CITIES ASSISTANCE PROGRAM****Payment, Terms and Conditions**

The parties agree to the following payment, terms and conditions:

1. **Payment by County.** County will provide Subaward Funds to Subrecipient in a not-to-exceed amount of \$1,379,570 which will be based on actual costs Subrecipient has incurred for Eligible Expenses during the period of March 1, 2020, through October 31, 2020, and submitted to County in the form and manner as described in Exhibit 3.

2. **Funding Terms.**

A. Costs

1. Allowable costs. Subrecipient shall be responsible for administering all COVID-19 response activities in a manner satisfactory to County and consistent with any standards required as a condition of providing the Subaward Funds. The costs that will be allowable for reimbursement from County are Subrecipient's unreimbursed COVID-19 costs that were incurred during the period of March 1, 2020, through October 31, 2020, in accordance with section 601(d) of the Social Security Act and the United States Department of the Treasury's guidance on eligible expenses, limited to unreimbursed COVID-19-related costs for non-labor (services and supplies) expenses, payroll costs for public safety employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, and payroll costs for other staff whose services were directly related to code enforcement activities in the Business Ambassador Program, during the COVID-19 public health emergency.

2. Unallowable Costs. Unallowable costs include but are not limited to the following:

- (a) Workforce bonuses;
- (b) Severance pay;
- (c) Legal settlements;
- (d) Taxes;
- (e) Entertainment (including alcohol);
- (f) Travel costs;
- (g) Public relations (advertisement);
- (h) Expenses for the state share of Medicaid;
- (i) Damages covered by insurance;

- (j) Reimbursement to donors for donated items or services; or
- (k) Revenue replacement.

B. BUDGET

1. Budget. The schedule of actual expenditures of Subaward Funds, consistent with the allowable costs identified in the previous section, that are approved by County for carrying out the purposes of this Agreement is hereafter referred to as the Budget, as provided in Exhibit 3. The Budget submitted by Subrecipient upon execution of this Agreement will be considered final.

2. Budget Revisions. Subrecipient shall obtain prior approval from County whenever a Budget revision is necessary for one or more of the reasons enumerated in 2 C.F.R. part 200.308. All requests for Budget revisions that require County's approval shall be signed by Subrecipient or an authorized representative of Subrecipient and submitted to County for approval.

3. Discretionary Line Item Transfers. Unless prohibited from doing so in 2 C.F.R. part 200.308, transfers between approved line items may be made without County's approval only if the total amount transferred does not exceed the allowable variance of the greater of either (i) ten percent (10%) of the Budget line item or (ii) one thousand dollars (\$1,000) of the Budget line item. Discretionary line item transfers may not result in an increase to the Budget.

4. Non-discretionary Line Item Transfers. Total line item transfers exceeding the allowable variance of the greater of either (i) ten percent (10%) of the Budget line item or (ii) one thousand dollars (\$1,000) of the Budget line item require County's written approval.

C. FINANCIAL MANAGEMENT

1. Financial Management Standards. The financial management systems of Subrecipient must meet the following standards:

(a) Accounting System. Subrecipient organizations must have an accounting system that provides accurate, current, and complete disclosure of all financial transactions related to each state- and federally funded program. Accounting records must contain information pertaining to state and federal pass-through awards, authorizations, obligations, unobligated balances, assets, outlays, and income. These records must be maintained on a current basis and balanced at least quarterly. Cash contributions to the program from third parties must be accounted for in the general ledger with other Subaward Funds. Third party in-kind (non-cash) contributions are not required to be recorded in the general ledger, but must be under accounting control, possibly through the use of a memorandum ledger. To comply with 2 C.F.R. part 200.305(b)(7)(i), Subrecipient shall

use reasonable efforts to ensure that funding streams are delineated within Subrecipient's accounting system. (See 2 C.F.R. § 200.302.)

(b) Source Documentation. Accounting records must be supported by such source documentation as canceled checks, bank statements, invoices, paid bills, donor letters, time and attendance records, activity reports, travel reports, contractual and consultant agreements, and subaward documentation. All supporting documentation should be clearly identified with the subaward and general ledger accounts which are to be charged or credited.

(c) Internal Control. Effective control and accountability must be maintained for all cash, real and personal property, and other assets. Subrecipient must adequately safeguard all such property and must provide assurance that it is used solely for authorized purposes. Subrecipient must also have systems in place that provide reasonable assurance that the information is accurate, allowable, and compliant with the terms and conditions of this Agreement. (2 C.F.R. § 200.303.)

D. MAINTENANCE AND ACCESSIBILITY OF RECORDS; MONITORING

1. Records Retention. Records shall be maintained for a period of 5 years after receipt of payment per OIG-CA-20-021 Coronavirus Relief Fund Reporting and Record Retention Requirements. If any litigation, claim or audit is started before the expiration of the retention period, the records must be retained until all litigation, claims or audit exceptions involving the records have been resolved and final action taken.

2. Accessibility of Records. Subrecipient, in compliance with 2 C.F.R. part 200.336, shall make books, records, related papers, supporting documentation and personnel relevant to this Agreement available to authorized County representatives, and any other person as may be authorized by County (including auditors), by the state of California or by federal statute. Subrecipient shall cooperate fully in any such audit or inquiry.

3. Failure to Maintain Books and Records. Failure to maintain books, records and supporting documentation shall establish a presumption in favor of County for the recovery of any funds paid by County under this Agreement for which adequate books, records and supporting documentation are not available to support disbursement.

4. Monitoring and Access to Information. Subrecipient must monitor its activities to assure compliance with applicable state and federal requirements and to assure its performance expectations are being achieved. County may monitor the activities of Subrecipient to assure compliance with all requirements and performance expectations of this Agreement. Subrecipient shall timely submit all financial and performance reports, and shall supply, upon County's request, documents and information relevant to this Agreement and the Subaward Funds. County may make site visits as warranted by program needs. (See 2 C.F.R. §§ 200.328 & 200.331.)

E. REPORTING

1. Required Financial Reports. Subrecipient agrees to submit financial reports as requested and, in the format, required by County. Subrecipient shall file reports with County describing the expenditure(s) of the funds related thereto as described below, unless more frequent reporting is required by Subrecipient pursuant to specific subaward conditions. (2 C.F.R. § 200.207.)

2. Ad-hoc Reporting. County may request ad-hoc reports and supporting documentation.

3. Final Reporting. Subrecipient is required to submit a final report no later than January 15, 2021, to County including:

- Summary narrative description of how funds were utilized and their impact.
- Itemized list of expenditures including type, description, vendor (if applicable), dollar amount, and date incurred.
- Identification of the dollar amount of any unspent funds (if applicable).
- Documentation to support the payment of the itemized expenditures.
- Reporting for other sources of funding for financial recovery from COVID-19.

(a) Subrecipient shall submit a final report no later than the due date specified by County following the end of the period of performance for this Agreement or Agreement termination. The format of this final report shall follow a format prescribed by County. (2 C.F.R. § 200.343.)

(b) If an audit or review of Subrecipient occurs and results in adjustments after Subrecipient submits a final report, Subrecipient will submit a new final report based on audit adjustments, and immediately submit a refund to County, if applicable. (2 C.F.R. § 200.344.)

Exhibit 2 - Contract Schedule of Federal Subaward Funds

The following information is provided pursuant to 2 C.F.R. part 200.331(a)(1):

Name of Subrecipient	City of Oxnard
Subrecipient's Unique Entity Identifier	95-6000756 (Tax I.D. Number)
Federal Award Identification Number (FAIN)	SLT0158
Federal Award Date	4/22/2020
Subaward Period of Performance Start and End Dates	3/1/2020 through 10/31/2020
Total Federal Award Amount	\$ (insert amount)
Federal Award Project Description	The Ventura County COVID-19 Cities Assistance Program supports cities responding to COVID-19 by providing funds to reimburse COVID-19 eligible expenses.
Name of the Federal Awarding Agency	U.S. Department of the Treasury
Catalog of Federal Domestic Assistance (CFDA) Number and Name	21.019; Coronavirus Relief Fund
Were funds awarded for research and development activities? (Yes or No)	Non R&D
Indirect Cost Rate for Federal award (including if the de minimums rate is charged)	See Exhibit 3- Budget

I. Single and Program-Specific Audits. If, during its fiscal year, Subrecipient expends \$750,000 or more in federal awards (direct federal and federal pass-through awards combined), Subrecipient must have a single audit or program-specific audit conducted for that year as required by 2 C.F.R. part 200.501 and other applicable sections of subpart F of 2 C.F.R. part 200.512 (single audit) or 2 C.F.R. part 200.507 (program-specific audit), and submitted to the Federal Audit Clearinghouse, as required by 2 C.F.R. part 200.512. The results of peer and external quality control reviews, management letters, AU-C 265 communications and the Consolidated Year-End Financial Report(s) must be submitted to the Subrecipient Portal. The due date of all required submissions set forth in this paragraph is the earlier of (i) 30 calendar days after receipt of the auditor's report(s) or (ii) nine (9) months after the end of Subrecipient's audit period.

II. Audits. Subrecipient shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. §§ 7501-7507) and subpart F of 2 C.F.R. part 200. Subrecipient shall retain records to support COVID-19 eligible expenditures and participate in audits conducted by the federal, state or County

government.

III. The information above is based on the information provided to County by the United States Department of the Treasury and the State of California's Department of Finance for federal pass-through funds received from the State. FAINs, federal award dates, and federal amounts for each fiscal year may be updated. In such cases, County will make updated prime federal award information available to Subrecipient, if applicable, as soon as practicable following receipt by County.

IV. At the sole discretion of County, the dollar amount payable under each federal funding source referenced in this Exhibit may be changed upon written notice from County so long as payments do not exceed the maximum total payment amount in accordance with this Agreement.

Agreement No. A-8264

Exhibit 3 - Budget

On attached Excel forms

Insert additional lines as necessary. Expenses must be net of any reimbursements you may have received or are anticipating and may not duplicate County efforts and must be expended by October 31, 2020.

[illegible]

Expenditures must be net of any reimbursements you may have received or are anticipating and may not duplicate County efforts and must be expended by October 31, 2020.

[illegible]

Insert additional lines as necessary. Expenses must be net of any reimbursements you may have received or are anticipating and may not duplicate County efforts and must be expended by October 31, 2020.

City Name: City of Oxnard

Preparer Name and E-mail: Casey Clay, casey.clay@oxnard.org

CATEGORY	VENDOR / PAYEE NAME	ELIGIBLE POSITION (CHOOSE ONE)	POSITION/TITLE	INVOICE / CONTRACT #	INVOICE / CONTRACT DATE	INVOICE / CONTRACT AMOUNT	SALARY	BENEFITS	DESCRIPTION	LOCATION	EXPENDITURE AMOUNT
(Include Details Under Each Category: Add Additional Lines if Necessary)	OSCAR, MARINA E	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,335.25			Oxnard	\$ 2,335.25
	OSCAR, MARINA E	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,087.11			Oxnard	\$ 2,087.11
	PETER IL, MANUEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,519.57			Oxnard	\$ 2,519.57
	PETER, MANUEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,796.88			Oxnard	\$ 2,796.88
	PETER, DANIEL	Firefighter	FIREFIGHTER		5/8/2020		\$ 2,716.00			Oxnard	\$ 2,716.00
	PITRE, DOMINIQUE L	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,180.00			Oxnard	\$ 2,180.00
	PUJOS, ALVARO	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,079.35			Oxnard	\$ 2,079.35
	QUINCE, DIONA	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,684.19			Oxnard	\$ 2,684.19
	QUINCE, DIONA	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,775.95			Oxnard	\$ 2,775.95
	RAFAELZ, DANIEL	Firefighter	FIREFIGHTER		5/8/2020		\$ 2,571.00			Oxnard	\$ 2,571.00
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,534.07			Oxnard	\$ 2,534.07
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
	RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER II		5/8/2020		\$ 2,888.29			Oxnard	\$ 2,888.29	
RAFAELZ, DANIEL	Police officer	POLICE OFFICER I		5/8/2020		\$ 2,888.29					

Amount additional listed as receivable. Transaction must be net of any cash payments and must have received or are anticipating and must not duplicate Claim efforts and must be expected by October 31, 2024.

[illegible]

NOTE: Please complete the expenditure plan detailing expected usage of your city's County allocation of Coronavirus Relief Fund (CRF) funds for eligible expenses as outlined in the Department of Treasury CRF Award Letter and FAQ.
Insert additional lines as necessary. Expenses must be net of any reimbursements you may have received or are anticipating and may not duplicate County efforts and must be expended by **October 31, 2020**.

[illegible]

and H_2O .

[illegible]



Exhibit 3

SIGNATURES & CERTIFICATION

City Expenditure Plan

1. I hereby certify that I have the authority and approval from the governing body on behalf of the applying city to submit this City Expenditure Plan ("form") and request reimbursement of eligible expenditures from Ventura County from its allocation of the Coronavirus Relief Fund through the Ventura County COVID-19 Cities Assistance
2. I understand a Subaward Agreement will need to be executed between Ventura County and the city.
3. I understand Ventura County will rely on this certification as a material representation in reviewing and potentially approving this form.
4. I certify the use of funds submitted in this form for reimbursement from the Coronavirus Relief Fund were or will be used only to cover those costs that:
 - a. Are limited to unreimbursed COVID-19-related costs for non-labor (services and supplies) expenses, payroll costs for public health and public safety employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, and payroll costs for other staff whose services are directly related to the COVID-19 public health emergency;
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020;
 - c. Were incurred during the period of March 1, 2020, through October 31, 2020.
5. I understand any award of funds pursuant to this form must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. I have reviewed the guidance established by U.S. Department of the Treasury and certify the costs meet the required guidance. Any funds expended by the city in any manner that does not adhere to official federal guidance shall be returned to Ventura County.
6. I understand any funds provided pursuant to this form and certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections.
7. I understand funds received pursuant to this form and certification cannot be used for expenditures for which the city has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

I certify that I have read the above certification and my statements contained herein and in the City Expenditure Plan are true and correct to the best of my knowledge.

Kevin Ripper
FINANCE LIASON (SIGNATURE)

CFO
TITLE

Nov. 3, 2020
DATE

Kevin Ripper
FINANCE LIASON (PRINTED)

Alexander Nguyen
ORGANIZATION HEAD (SIGNATURE)

CITY MANAGER
TITLE

NOV 03, 2020
DATE

ALEXANDER NGUYEN
ORGANIZATION HEAD (PRINTED)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD RATIFYING THE
SUBAWARD AGREEMENT FOR THE VENTURA COUNTY COVID-19 CITIES
ASSISTANCE PROGRAM (A-8264)

WHEREAS, based on the county's population, Ventura County received a total of \$147.6 million Coronavirus Relief Funds (CRF) provided in the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act; and

WHEREAS, the Ventura County Board of Supervisors authorizes the County of Ventura ("County") to allocate \$5 million of County's share of CRF to cities; and

WHEREAS, the City of Oxnard ("City") has been allocated \$1,379,570 (the "Funds"); and

WHEREAS, to be eligible to receive the Funds, the City was required to submit a Subaward Agreement no later than November 6, 2020; and

WHEREAS, because the City Council would not meet prior to the submittal deadline, the City Manager signed and submitted the Subaward Agreement on November 5, 2020.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to ratify the Subaward Agreement attached as Exhibit A to this resolution and incorporated by this reference, and further authorizes and approves the execution and submittal by the City Manager or designee of any additional agreements, forms and documentation that may be required regarding the City's allocation of Funds.

PASSED AND ADOPTED this 1st day of December, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Timothy Flynn, Mayor

ATTEST:

APPROVED AS TO FORM:

Michelle Ascencion, City Clerk

Stephen M. Fischer, City Attorney



CITY COUNCIL AGENDA REPORT
INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. J.5

DATE: December 1, 2020

TO: City Council

FROM: Rosemarie Gaglione, Public Works Director, (805) 385-8055, rosemarie.gaglione@oxnard.org

SUBJECT: Adoption of Ordinance No. 2989 Amending Chapter 18 (Floodplain Management) of the Oxnard City Code.

RECOMMENDATION

That the City Council waive further reading and adopt Ordinance No. 2989 amending various sections of Chapter 18 (Floodplain Management) of the Oxnard City Code to comply with the current California Model Floodplain Management Ordinance. (Public Works and Transportation Committee approved 3-0)

BACKGROUND

Ordinance No. 2989 was introduced to the City Council at its November 17, 2020 meeting. Following the hearing, the Council approved the first reading of the amended ordinance for future adoption. If adopted by Council on December 1, 2020, the ordinance will take effect in thirty days, on December 31, 2020.

The City of Oxnard (City) participates in the National Flood Insurance Program (NFIP), which is administered by the Federal Emergency Management Agency (FEMA). As a participating community, the City is mandated to adopt and enforce ordinances to reduce the risk of flooding and meet or exceed federal requirements. In return, FEMA makes flood insurance available to property owners throughout the City.

The City joined the NFIP on March 1, 1979. The current Floodplain Management ordinance was adopted on September 9, 2008, as Ordinance Number 2783.

On September 30, 2016, FEMA released the Preliminary Flood Insurance Rate Maps (PFIRM) to the cities of Ventura, Oxnard, and Port Hueneme, as well as the Ventura County Watershed Protection District. On May 26, 2017, the City was officially notified by FEMA of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Oxnard.

On May 30 & 31, 2017, FEMA along with the cities of Ventura, Oxnard, and Port Hueneme and County of Ventura held public meetings to inform the affected communities of the release of the revised draft flood maps for the California Coast in Ventura County. This meeting included information regarding the removal as well as addition of some properties from the currently effective floodplain map, the new base flood elevations (BFEs), and the 90-day appeal period that ran from June 9 - September 7, 2017.

On August 23, 2017, a community workshop was held at the City of Oxnard, in the HR Activity room, to discuss the changes in the FIRMs, the technical background of the FIS, as well as the implications on new and substantial development with the changes in BFEs. The majority of community discussion at that meeting revolved around the height implications of the Local Coastal Program (LCP) as result of the changes in BFEs.

On September 5, 2017, the cities of Ventura, Oxnard, and Port Hueneme and County of Ventura sent a joint letter to FEMA regarding the technical review of the PFIRMs for the Coast of Ventura County, CA. The purpose of this letter was to provide technical comments and appeals to the PFIRMs as documented in a report produced by Moffat & Nichol in August 2017.

On February 28, 2019, the Planning Division and Public Works Department jointly held a public meeting at the Oxnard Shores Neighborhood Council to further discuss the impacts of the new FIRMs on the affected property owners. Due to the low attendance at the meeting, staff prepared and mailed an additional notification to all property owners affected by the new FIRMs. This notice was sent to all affected property owners on April 9, 2019.

On June 30, 2020, Public Works received an email from FEMA indicating the City must make revisions to sections of City Code Chapter 18 (Floodplain Management) by January 29, 2021 to comply with the current California Model Floodplain Management Ordinance and remain compliant with NFIP regulations. In this email, they stated that the City would receive an official letter regarding this request at a later date.

DISCUSSION

On July 29, 2020, the City Manager received the letter from FEMA stating that there were no changes made to the PFIRMs as a result of any appeals or comments sent within the appeal period and that those PFIRMs would be effective as of January 29, 2021. Additionally, prior to January 29, 2021, they stated that the City of Oxnard is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d and e) of the NFIP regulations.

In summary, the amendments to City Code Chapter 18 (Floodplain Management) relate to 1) addition of two new definitions; 2) the modification of five definitions; 3) clarification regarding dates of first adoption of FIS and FIRMs; 4) clarification on the permit review process; 5) clarification regarding freeboard requirements in Zone AO; 6) clarification on standards for subdivisions; and 7) addition of regulatory floodway requirements within Zones A1-30 and AE.

Section 18-9 of current City Code Chapter 18 (Floodplain Management) already includes language such that all subsequent revisions of the FIS and FIRMs are adopted by reference as the basis for establishing the areas of special flood hazard, therefore no specific approval is required from Council.

Approval of the FEMA recommended changes to the City Code Chapter 18 (Floodplain Management) will support meeting the requirements of the NFIP and maintain the City's continued eligibility to participate in the NFIP.

The new FIRMs will affect approximately 106 private property owners along the coastline that were previously in Zone VE already (between Mandalay Beach Road and Capri Way). No new properties were added to Zone VE with this change, however, the implication is that the BFE has increased between 6 - 7 feet in elevation relative to the existing BFE. At this time the City is required to adopt the new FIRMs in order to maintain the City's continued eligibility to participate in the NFIP and we do not have the opportunity to request further appeals or changes to the FIRMs. The implications of the changes as they relate to development within those affected areas now that FEMA has deemed them effective as of next year will be discussed with the community as well as in the Housing and Economic Development Committee in the coming months.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

There is no financial impact associated with this item.

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 3-0 on October 13, 2020 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Tatiana Arnaout, City Engineer

ATTACHMENTS

1. Floodplain Management Ordinance 2989 Amendment Adoption
2. Appeal Letter to FEMA September 2017
3. FEMA Letter of Final Determination July 2020

CITY COUNCIL OF THE CITY OF OXNARD
ORDINANCE NO. 2989

ORDINANCE OF THE CITY OF OXNARD AMENDING SECTIONS 18-2, 18-9, 18-21,
18-25, 18-37, 18-38, AND 18-39 OF CHAPTER 18 OF THE CITY CODE CONCERNING
FLOODPLAIN MANAGEMENT

WHEREAS, the City is a member of the National Flood Insurance Program; and

WHEREAS, membership in the National Flood Insurance Program requires the City to periodically update the City Code to comply with the California Model Floodplain Management Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES
ORDAIN AS FOLLOWS:

Part 1. Section 18-2 of the City Code is hereby amended to add the following two definitions, each of which shall be added to the existing list of definitions in alphabetical order:

“BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.”

“VARIANCE - A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.”

Part 2. The following definitions in Section 18-2 of the City Code are hereby amended to read as follows:

“DEVELOPMENT - Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.”

“EXISTING MANUFACTURED HOME PARK or SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1979.”

“MEAN SEA LEVEL - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.”

“NEW CONSTRUCTION - For floodplain management purposes, structures for which the "start of construction," commenced on or after March 1, 1979, and includes any subsequent improvements to such structures.”

“NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 1, 1979.”

“STRUCTURE - A walled and roofed building or mobile home that is principally aboveground; this includes a gas or liquid storage tank as well as a manufactured home.”

“WATER SURFACE ELEVATION - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.”

Part 3. Subsection (A) of Section 18-9 of the City Code is hereby amended to read as follows:

“(A) The areas of special flood hazard identified by the Federal Emergency Management Agency of the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Oxnard," dated March 1, 1979, and accompanying flood insurance rate maps dated March 1, 1979, and all subsequent revisions are hereby adopted by reference and declared to be a part of this chapter.”

Part 4. Subsection (A)(1) of Section 18-21 of the City Code is hereby amended to read as follows:

“(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;”

Part 5. Subsection (E)(5) of Section 18-21 of the City Code is hereby deleted and Subsections (6) and (7) are renumbered accordingly.

Part 6. Subsection (A) of Section 18-25 of the City Code is hereby amended to read as follows:

“(A) A development permit shall be obtained before construction or development begins, including manufactured homes, within any area of special flood hazard (as defined in sections 18-2 and 18-9). Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.”

Part 7. Subsection (B)(1)(c) of Section 18-25 of the City Code is hereby amended to read as follows:

“(c) If available, the base flood elevation from the effective Flood Insurance Study and/or Flood Insurance Rate Map; and”

Part 8. Subsections (A) and (B) of Section 18-37 of the City Code are hereby amended to read as follows:

“(A) All preliminary subdivision proposals, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall identify the flood hazard area and the elevation of the base flood.

(B) All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the floodplain administrator.”

Part 9. A new subsection (B) is hereby added to Section 18-38 of the City Code to read as follows and the existing subsection (B) is hereby redesignated subsection (C):

“(B) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Oxnard.”

Part 10. Section 18-39 of the Oxnard City Code is hereby amended to read as follows:

“Within coastal high hazard areas designated on the effective FIRM, the following standards shall apply:

(A) All new construction and substantial improvements/damage shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated above the base flood level. The pile or column foundation and structure attached thereto shall be anchored to resist floating, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(B) All new construction shall be located on the landward side of the reach of mean high tide.

(C) All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation and may be usable solely for parking of vehicles, building access, or storage.

(D) Fill shall not be used for structural support of buildings.

(E) Manmade alteration of sand dunes that would increase potential flood damage is prohibited.

(F) The floodplain administrator shall obtain and maintain the following records:

(1) Certification by a registered engineer or architect that a proposed structure complies with this section; and

(2) The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.”

Part 11. Severability. If any section, subsection, subsection, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Part 12. Exempt from CEQA. The City Council determines and finds that this ordinance is exempt from the California Environmental Quality Act under section 15061(b)(3) of the CEQA

Guidelines because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This ordinance is also exempt from environmental review under sections 15307 and 15308 of the CEQA Guidelines as an action by a regulatory agency for protection of natural resources and for protection of the environment.

Part 13. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this ordinance, and a certified copy of the ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the ordinance

Part 14. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 2989 was first read on November 17, 2020, and finally adopted on December 1, 2020, to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

county of ventura

JEFF PRATT
Agency Director

Central Services Department
J. Tabin Cosio, Director

Engineering Services Department
Christopher Cooper, Director

Transportation Department
David Fleisch, Director

Water & Sanitation Department
Michaela Brown, Director

Watershed Protection District
Glenn Shephard, Director

September 5, 2017

Mr. Edward Curtis, P.E.
Risk Analysis Branch
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA 94607

**Subject: Technical Review of the Preliminary Flood Insurance Rate Maps
for the Coast of Ventura County, California**

Dear Mr. Curtis:

The coastal communities of Ventura County, California, appreciate FEMA's continued efforts to better define the coastal flood hazard by using the California Coastal Analysis and Mapping Program (CCAMP). We are committed to working closely with FEMA to generate Flood Insurance Rate Maps (FIRM) that best reflect the coastal flood hazard in Ventura County.

Since the September 30, 2016, release of the Preliminary Flood Insurance Rate Map (PFIRM), the cities of Ventura, Oxnard, and Port Hueneme, as well as the Ventura County Watershed Protection District (District) representing the unincorporated coastal areas of Ventura County, have jointly hired Moffatt & Nichol to conduct a detailed technical review of the PFIRM maps and the supporting materials (Intermediate Data Submittals – IDS). According to the review, the local communities believe changes and corrections need to be made to the maps or supporting documents to correct errors or improve the quality of the final products. The following summarizes the technical comments and appeals documented by the August 2017 Moffat & Nichol report that need FEMA's resolution and correction to the preliminary maps:

1. AE zones are erroneously mapped at the coastal areas at the Santa Clara River mouth (between transects 44 and 45) and at the Santa Clara River overflow coastal zone (between transects 46 and 47).
2. The 35-foot minimum mapping distance criteria may be applicable to paper maps. However, since FEMA mapping products have embraced digital FIRM (DFIRM) in the last decade or so, the physical mapping scale limitation may place a heavy burden on local floodplain managers. According to Section D.4.9.4 of FEMA's "Guidelines for Coastal Flood Hazard Analysis and Mapping for the Pacific Coast of the United States," local communities request that secondary/overtopping VE zones be mapped, even though the total overtopping width is less than 35 feet.



Mr. Ed Curtis
Page 2
September 5, 2017

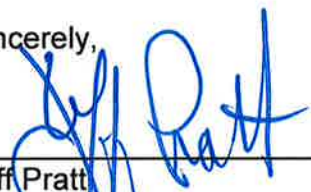
3. The roughness factor—due to the presence of cobbles, offshore reefs, and rock from failed revetment structures—was not considered. According to Section D.4.7.3.2 of the guidelines, local communities request that a composite roughness factor be used.
4. Local communities believe starting wave run-up analysis at a more shallow depth (around -15 to -20 meters instead of -40 meters) is more appropriate and would generate more accurate Base Flood Elevations (BFEs).
5. According to Section D.4.9.6 of the FEMA guidelines, local communities request that the difference of BFEs between neighboring transects be reduced. This is particularly true for transects separating neighboring residential properties.

The Cities of Ventura, Oxnard, and Port Hueneme—as well as the County of Ventura—are pleased to present to you the *“Final Report for Technical Review of FEMA CCAMP for Ventura County”* prepared by Moffat & Nichol, our consultant. We request that FEMA address these comments before finalizing the mapping products.

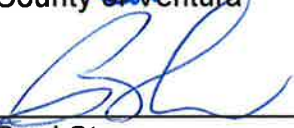
In addition, we are forwarding to you an appeal challenging the flood hazard determination at the address of 3452 West Pacific Coast Highway.

If you have any questions, please contact me at 805-654-2073 or Sergio Vargas, Deputy Director, at 805-650-4077 or via e-mail at sergio.vargas@ventura.org.

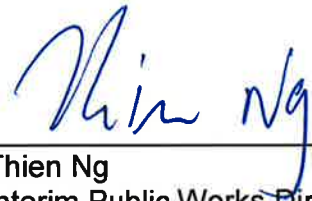
Sincerely,



Jeff Pratt
Public Works Agency Director
County of Ventura



Brad Starr
Floodplain Manager
City of Ventura



Thien Ng
Interim Public Works Director
City of Oxnard



Don Villafana
Public Works Director
City of Port Hueneme

SV:VS/gjm

Attachments: *Final Report for Technical Review of FEMA CCAMP for Ventura County
Wave Run-up & Coastal Hazard Analysis, 3452 West Pacific Coast
Highway, Ventura County, California*

cc: John Zaragoza, Chair, Ventura County Board of Supervisors
Glenn Shepard, Director, Ventura County Watershed Protection District
Sergio Vargas, Deputy Director, Ventura County Watershed Protection District
Mark Shellnut, 3452 West Pacific Coast Highway

k:\programs\fema\lood insurance studies (fis)\california coastal analysis mapping project ccamp\correspondence\letter to fema -9-5-2017.cities_docx.docx





Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
115-I

July 29, 2020

Alexander Nguyen
City Manager, City of Oxnard
City Hall
300 West Third Street
Oxnard, California 93030

Community: City of Oxnard,
Ventura County, California
Community No.: 060417
Map Panels Affected: See FIRM Index

Dear Mr. Nguyen:

On May 26, 2017, you were notified of proposed modified flood hazard determinations (FHDs) affecting the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the City of Oxnard. The statutory 90-day appeal period that was initiated on June 9, 2017, when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed FHDs for your community in the *Ventura County Star*, has elapsed.

FEMA received no valid requests for changes in the FHDs. Therefore, the determination of the Agency as to the FHDs for your community is considered final. The final FHDs will be published in the *Federal Register* as soon as possible. The modified FHDs and revised map panels, as referenced above, will be effective as of January 29, 2021, and revise the FIRM that was in effect prior to that date. For insurance rating purposes, the community number and new suffix code for the panels being revised are indicated above and on the maps and must be used for all new policies and renewals.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Because of the modifications to the FIRM and FIS report for your community made by this map revision, certain additional requirements must be met under Section 1361 of the 1968 Act, as amended, within 6 months from the date of this letter. Prior to January 29, 2021, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d and e) of the NFIP regulations. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d and e) of the NFIP regulations must be enacted in a legally enforceable document. This includes the adoption of the effective FIRM and FIS report to which the regulations apply and the modifications made by this map revision. Some of the standards should already have been enacted by your community. Any additional requirements can be met by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d and e);

2. Adopting all the standards of Paragraph 60.3(d and e) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d and e).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the 1973 Act as amended.

A Consultation Coordination Officer (CCO) has been designated to assist your community with any difficulties you may be encountering in enacting the floodplain management regulations. The CCO will be the primary liaison between your community and FEMA. For information about your CCO, please contact:

FEMA Region IX
Attn: Eric Simmons, Engineer
1111 Broadway, Suite 1200
Oakland, California 94607-4052
(510) 627-7029

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the Special Flood Hazard Area as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based is being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If you have any questions regarding the necessary floodplain management measures for your community or the NFIP in general, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Oakland, California, at (510) 627-7100 for assistance. If you have any questions concerning

mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Use of Flood Insurance Study (FIS) Data as Available Data*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <https://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository
Rosemarie Gaglione, Public Works Director, City of Oxnard
Kelly Soule, State NFIP Coordinator, California Department of Water Resources
Mike Mierzwa, State Floodplain Manager, California Department of Water Resources

FINAL SUMMARY OF MAP ACTIONS

Community: OXNARD, CITY OF

Community No: 060417

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on January 29, 2021.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR	10-09-0815P	01/21/2010	Santa Clara Rivre SFHA Update	06111C0905E 06111C0910E	06111C0901F 06111C0902F 06111C0904F 06111C0910E
LOMR	12-09-1132P	08/06/2012	City of Oxnard Marina Update	06111C0905E 06111C0911E	06111C0903F 06111C0911F

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR-F	94-09-898A	11/03/1994	TRACT 2617-1, LOT 20-- 904 "M" COURT. .	0604170015C	06111C0904F
LOMR-F	96-09-529A	07/02/1996	TRACT 2617-1 LOTS 1-67	0604170015C	06111C0904F
LOMA	10-09-1637A	04/06/2010	(70-OAS) LOT 165, TRACT 5234-3 -- 3432 BROOKWOOD LANE	06111C0905E	06111C0902F
LOMA	17-09-1213A	07/19/2017	TRACT 2026-1, LOT 144 -- 2154 JAMESTOWN WAY	06111C0911E	06111C0911F

FINAL SUMMARY OF MAP ACTIONS

Community: OXNARD, CITY OF

Community No: 060417

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	06-09-0086A	11/10/2005	2201 EAST VENTURA BOULEVARD-PARCEL C, PARCEL MAP 74-20	0604170010C	06111C0910E
LOMA	20-09-0407A	01/22/2020	PARCEL MAP 74-20, PARCEL A -- 2100 AUTO CENTER DRIVE (BLDGS A-K, M & Q)	06111C0910E	06111C0910E

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	05-09-0473A	04/28/2005	TRACT 4380, LOT 21 -- 909 MANDALAY BEACH ROAD	2
LOMR-VZ	10-09-2761A	07/08/2010	(65-RVS) TRACT NO. 1899, LOT 1 -- 1241 CAPRI WAY	2
LOMR-VZ	20-09-1022A	04/16/2020	TRACT 1277-1, LOT 235 -- 1125 CAPRI WAY	2

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

FINAL SUMMARY OF MAP ACTIONS

Community: OXNARD, CITY OF

Community No: 060417

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		



CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS AGENDA ITEM NO. K.1

DATE: December 1, 2020

TO: City Council

FROM: Jeff Pengilley, Interim Community Development Director, (805) 385-8208, jeff.pengilley@oxnard.org

SUBJECT: Amendment to Chapter 11, Article XVII of the Oxnard City Code (OCC) Pertaining to Commercial Cannabis Regulations, Repeal of Chapter 11, Article XV of the OCC Pertaining to Medical Cannabis Delivery, and Repeal of Chapter 7, Article XVI of the OCC Pertaining to Cannabis and Medical Cannabis Activities. (15/20/15)

RECOMMENDATION

That the City Council:

1. Introduce an Ordinance (by title only, waiving further reading) that:
 - A. Repeals and readopts Chapter 11, Article XVII of the Oxnard City Code (Oxnard City Code Sections 11-450 to 11-496) regarding Commercial Cannabis Regulations;
 - B. Repeals Chapter 11, Article XV of the Oxnard City Code (Oxnard City Code Section 11-390 to 11-403) regarding medical cannabis delivery; and
 - C. Repeals Chapter 7, Article XVI of the Oxnard City Code (Oxnard City Code Sections 7-280 to 7-285) regarding cannabis and medical cannabis activities; and
2. Authorize the waiver of permit fees (Phases 1 to 3) for the City's new retail cannabis and local equity retail cannabis program for those entities that participated in the City's prior retail cannabis and local equity retail cannabis program.

BACKGROUND

Executive Summary

There were inconsistencies discovered in Chapter 11, Article XVII (Commercial Cannabis Activity) of the Oxnard City Code, and the form of the rejection letters did not notify the retail cannabis applicants of their right to appeal the City Manager's November 2, 2020 determination of the retail cannabis application ranking. In the interest of fairness to those retail cannabis applicants, on November 18th, the City notified all 50 applicants that the City was immediately terminating the existing retail cannabis and local equity retail cannabis program (the "Program") pursuant to Oxnard City Code Section 11-457(D). Additionally, the City determined that it should reject the applications because this would be in the best interest of the City, taking into consideration the health, safety and welfare impacts on the City (Oxnard City Code Section 11-466(F)).

The subject actions will revise and update the City's cannabis ordinance due to concerns that have arisen during the retail cannabis permitting process. The ordinance modifications will implement the City's Local Equity Cannabis program, update appeal provisions, correct code citations, and make a number of other non-substantive updates to the cannabis regulations. The recommended action would also repeal Article XV of Chapter 11 of the Oxnard City Code regarding medical cannabis delivery (Oxnard City Code Sections 11-390 to 11-403). Stand alone delivery of cannabis was determined legal by the State in January 2019. Finally, Council's action involves repealing Chapter 7, Article XVI as the regulation of commercial cannabis is now contained in Chapters 11 and 16 of the OCC.

The City is committed to a new accelerated retail cannabis and local equity retail cannabis program (the “New Program”). Additionally, as part of the New Program, the City is proposing to issue 13 retail cannabis permits and 3 local equity retail cannabis permits (increased from 10 permits) to qualified applicants by March 2021. The New Program will open for applications on or before December 4, 2020, with a deadline for submitting applications on January 7, 2021 at 6:00 p.m. Subject to City Council approval, the Phase 1-3 fees for the New Program will be waived for each applicant who submitted an application during the prior Program and who paid these fees in the Program.

Background

Over the past two years, the City has adopted numerous ordinances pertaining to different types of cannabis uses, and adopted subsequent code modifications and program elements which have impacted cannabis codification and proper ordinance citation.

In April 2018, the City Council adopted a cannabis delivery ordinance including permit fees (Ord. No. 2937 - Chapter 11, Article XV). In January 2019, the State legalized cannabis delivery by state-licensed firms and eliminated the City’s ability to regulate cannabis delivery. Repealing of this article is consistent with state regulations and limitations.

On June 18, 2019, City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis. On October 1, 2019, City Council then adopted Ord. No. 2965, modifying the discretionary permitting process along with other non-substantive ordinance adjustments pertaining to manufacturing, testing, and distribution of cannabis. On December 17, 2019, City Council adopted Ord. 2972 establishing regulations for retail cannabis (dispensary) uses. On September 15, 2020, City Council adopted Ord. No. 2985 to permit cannabis retail dispensaries in the downtown zones (“Downtown-Core” and “Downtown-General”), and update the cannabis regulations in the City’s newly adopted Industrial Code (Chapter 16 of the OCC). On October 20, 2020, City Council adopted a cannabis local equity program.

The non-retail cannabis solicitation process has been successful. To date, all four of the five manufacturing applicants and all three distribution operators have applied for the authorized Development Design Review (DDR) permit. Administrative hearings for two of the DDR applicants are anticipated in late 2020 and early 2021.

DISCUSSION

Council is being requested to repeal and readopt the City’s Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII (“Code”). The ordinance modifications would implement the City’s Local Equity Cannabis program, update appeal provisions, and make a number of other nonsubstantive updates to the cannabis regulations. Adoption of a comprehensive Commercial Cannabis Article in Chapter 11, Article XVII will ensure consistent and proper implementation of City Council’s previously adopted cannabis regulations. City Council is also being asked to repeal Chapter 11, Article XV (Medical Cannabis Delivery), and Chapter 7, Article XVI (Cannabis and Medical Cannabis Activities) due to State legalization of state-licensed cannabis delivery operators.

In summary the repeal and readoption efforts are as follows:

- Repeal and Readopt Chapter 11, Article XVII of the Oxnard City Code (Oxnard City Code Sections 11-450 to 11-496) regarding Commercial Cannabis Regulations - Correct appeal language within this Article; ensure consistency between all prior City Council adopted Ordinances and conceptual land use maps; incorporate definitions and details associated with the City’s Local Equity Program; clarification of which regulations apply to the various types of cannabis uses; and correct terminology to reflect updated cannabis operations and activities.
- Repeal Chapter 11, Article XV of the Oxnard City Code (Oxnard City Code Section 11-390 to 11-403) regarding medical cannabis delivery - Removal of requirements since these uses are now permitted by the State (as of

2019) and cannabis delivery is associated with the cannabis regulations (Chapter 11, Article XVII).

- Repeal Chapter 7, Article XVI of the Oxnard City Code (Oxnard City Code Sections 7-280 to 7-285) regarding cannabis and medical cannabis activities - Removal of this entire Chapter since commercial cannabis is now regulated by Chapters 11 and 16 of the OCC.

The need for readoption of Article XVII was brought to the City's attention after letters were sent to the 50 applicants providing them the City's Final Retail Cannabis Ranking. The letters provided to the 40 unsuccessful retail cannabis applicants on November 2, 2020 did not state that the applicants had the right to appeal the City Manager's decision relating to the award of retail cannabis permits. As such, unsuccessful applicants did not receive a notification of a right to appeal the City Manager's decision.

However, despite this lack of notice, four unsuccessful applicants did file an appeal of the City Manager's decision. These appeals highlighted inconsistencies within the Oxnard City Code, with one code section authorizing an appeal of the City Manager's decision (Oxnard City Code Section 11-465), while two other provisions specifically indicating that the City Manager's decision was final and thus not subject to an appeal (Oxnard City Code Sections 11-457 and 11-466).

Because four of the unsuccessful applicants filed an appeal while other applicants were not informed of the right to file an appeal, the City is electing to terminate the Program and launching a New Program and correct inconsistencies by readopting Chapter 11, Article XVII. Executing the OCC update in this fashion will ensure the appeal provisions are internally consistent, the updated code incorporates the City Council's recently adopted Local Equity Program is incorporated in the City's regulations, and corrects minor ordinance language which has become problematic as a result of the retail cannabis solicitation process.

New Program

The City will initiate an accelerated retail cannabis and local equity retail cannabis program on or before December 4, 2020. The application window will close at 6 p.m. on January 7, 2021. The City will release a revised Commercial Cannabis Business Application Procedure Guidelines on or before the New Program opens. Further, in alignment with Chapter 11, Article XVII, and in the interest of advancing the cannabis retail process in an expeditious manner, the City will permit up to 16 dispensaries by March 2021 (13 retail cannabis permits and 3 local equity retail cannabis permits). Applicants would be required to obtain all required land use approvals following the issuance of the retail cannabis permit in March 2021. Subject to City Council action, no new Phase 1 -3 fees will be required for an applicant who was the signatory on the original application during the prior Program (i.e., the legal entity, not the individual owners of that legal entity) and who paid these fees in the Program.

ENVIRONMENTAL IMPACT

In accordance with the California Public Resources Code Sections 21000 et seq. and State California Environmental Quality Act (CEQA) Guidelines (Sections 15000 et seq.), the proposed Municipal Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15061 and 15305 of Title 14, Division 6, Chapter 3 of the California Code of Regulations.

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

Objective 2b. Improve relationships and communication between the City and the business community.

FINANCIAL IMPACT

The City will utilize the services of HdL to assist in the evaluation of the cannabis applications. There is currently \$27,000 remaining in the HdL contract for cannabis related services. A contract amendment and budget appropriation will be necessary to add additional funds. This is tentatively scheduled for the City Council's December 15th agenda.

COMMITTEE OUTCOME

This amendment is not a land use decision so it did not require consideration by the Planning Commission.

The City Council set clear policy direction over the last two years at various City Council meetings regarding the subject ordinance. There are no substance changes to the ordinance therefore this ordinance did not go back to the Housing and Economic Development Committee (HEDC).

Prepared by: Kathleen Mallory, Planning & Sustainability Manager

ATTACHMENTS

1. Amended Article XVII - Commercial Cannabis Regulations Ordinance
2. Amended Article XVII - Commercial Cannabis Regulations (Redline)
3. CC 12.1.20 Presentation

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA REPEALING AND READOPTING ARTICLE XVII OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-450 TO 11-496) REGARDING COMMERCIAL CANNABIS ACTIVITY, REPEALING CHAPTER 7, ARTICLE XVI OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTION 7-280 TO 7-285) REGARDING CANNABIS AND MEDICAL CANNABIS MEDICAL ACTIVITIES, AND REPEALING ARTICLE XV OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-390 TO 11-403) REGARDING MEDICAL CANNABIS DELIVERY

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Article XVII of Chapter 11 of the Oxnard City Code regarding Commercial Cannabis Activity is hereby repealed and readopted to read as follows:

“ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

It is the purpose and intent of this article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Regulate and Tax Adult Use of Cannabis Act (“AUMA” or “Proposition 64” enacted by California voters in 2016), while imposing sensible regulations on the use of land to protect the city’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this article to regulate the Cultivation, Processing, manufacturing, testing, Sale, Delivery, Distribution, and transportation of Cannabis and Cannabis Products in a responsible manner to protect the health, safety, and welfare of the residents of the city and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this article to require all commercial cannabis operators to obtain and renew annually a permit to operate within the city. Nothing in this article is intended to authorize the possession, use, or provision of Cannabis for purposes that violate state or federal law. The provisions of this article are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under state, city, or other law.

SEC. 11-451. LEGAL AUTHORITY.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, any subsequent state legislation and/or regulations regarding same, the city is authorized to adopt ordinances that establish standards, requirements and regulations for the

licensing and permitting of Commercial Cannabis Activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state, or any of its departments or divisions, shall be the minimum standards applicable in the city to all Commercial Cannabis Activity.

SEC. 11-452. CANNABIS CULTIVATION AND COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

Except as specifically authorized in this article, the commercial Cultivation, Manufacture, Processing, storing, laboratory testing, Labeling, Sale, Delivery, Distribution or transportation (other than as provided under Cal. Bus. and Prof. Code Section 26090(e)), of Cannabis or Cannabis Product is expressly prohibited in the city.

SEC. 11-453. COMPLIANCE WITH STATE AND LOCAL LAWS.

It is the responsibility of the Owners and operators of a Commercial Cannabis Business to ensure that it is always operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this article shall be construed as authorizing any actions that violate federal, state or local law with respect to the operation of a Commercial Cannabis Business. It shall be the responsibility of the owners and the operators of a Commercial Cannabis Business to ensure that the Commercial Cannabis Business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, including the MAUCRSA, and any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the local Commercial Cannabis Business Permit. Nothing in this article shall be construed as authorizing any actions that violate federal or state law regarding the operation of a Commercial Cannabis Business.

SEC. 11-454. DEFINITIONS.

When used in this article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) A-LICENSE - A state license issued by the Bureau of Cannabis Control for Cannabis or Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(B) A-LICENSEE - Any person holding a license for Cannabis or Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(C) APPLICANT - An Owner applying for a Commercial Cannabis Business Permit pursuant to this article.

(D) BATCH - A specific quantity of homogeneous Cannabis or Cannabis Product that is one of the following types:

(1) HARVEST BATCH - A specifically identified quantity of dried flower or trim, leaves,

and other Cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.

(2) MANUFACTURED CANNABIS BATCH - Either of the following:

(a) An amount of Cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(b) An amount of a type of manufactured Cannabis produced in one production cycle using the same formulation and standard operating procedures.

(E) BUREAU - The Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation, or its successor.

(F) CANNABIS - All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, Cannabis does not mean “industrial hemp” as defined by Cal. Health and Safety Code Section 11018.5 or Cal. Food and Agricultural Code Section 81000.

(G) CANNABIS ACCESSORIES - The same meaning as in Cal. Health and Safety Code Section 11018.2.

(H) CANNABIS INNOVATION ZONE - A park or campus which is one contiguous commercial area of land which has many Cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.

(I) CANNABIS CONCENTRATE - Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a Cannabis plant is a concentrate for purposes of this article. A Cannabis concentrate is not considered food, as defined by Cal. Health and Safety Code Section 109935, or drug, as defined by Cal. Health and Safety Code Section 109925.

(J) CANNABIS PRODUCT - A product containing Cannabis, including, but not limited to, manufactured Cannabis, - intended to be sold for use by Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5 (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this article, Cannabis does not include industrial hemp as defined by Cal. Food and Agricultural Code Section 81000, or Cal. Health and Safety Code Section 11018.5.

(K) CANNABIS PRODUCTS - The same meaning as in Cal. Health and Safety Code Section 11018.1.

(L) CANOPY - The designated area(s) at a licensed premise, except nurseries that will contain mature plants at any point in time.

(1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the

space(s) within the boundaries; and

(2) Canopy may be non contiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

(M) CAREGIVER or PRIMARY CAREGIVER - The same meaning as that term is defined in Cal. Health and Safety Code Section 11362.7.

(N) CHILD RESISTANT - Designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(O) CITY - The City of Oxnard including the area within the territorial city limits of the city and such territory outside of the city over which the city council has jurisdiction or control by virtue of any provision of law.

(P) COMMERCIAL CANNABIS ACTIVITY - Includes the possession, Manufacture, Distribution, Processing, storing, Sale, laboratory testing, packaging, Labeling or transportation of Cannabis and Cannabis Products as provided for in this division.

(Q) COMMERCIAL CANNABIS BUSINESS - Any business or operation which engages in medicinal or adult-use Commercial Cannabis Activity.

(R) COMMERCIAL CANNABIS BUSINESS PERMIT - A regulatory permit issued by the city pursuant to this article to a Commercial Cannabis Business and is required before any Commercial Cannabis Activity may be conducted in the city. The initial permit and annual renewal of a Commercial Cannabis Business Permit is made expressly contingent upon the business's ongoing compliance with all of the requirements of this article and any regulations adopted by the city governing the Commercial Cannabis Activity at issue.

(S) CULTIVATION - Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

(T) CULTIVATION SITE - A location where Cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(U) CUSTOMER - A natural person 21 years of age or over, or a natural person 18 years of age or older who possesses a physician's recommendation or a medical marijuana identification card.

(V) DAY CARE CENTER - The same meaning as in Cal. Health and Safety Code Section 1596.76.

(W) DELIVERY - The commercial transfer of Cannabis or Cannabis Products to a Customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by the Retailer.

(X) DIRECTOR - The director of the California Department of Consumer Affairs. .

(Y) DISTRIBUTION - The procurement, sale, and transport of Cannabis and Cannabis Products between licensees.

(Z) DISTRIBUTOR - A person holding a valid Commercial Cannabis Business Permit for Distribution issued by the city, and, a valid state license for Distribution, required by state law to engage in the business of purchasing Cannabis from a licensed cultivator, or Cannabis Products from a licensed Manufacturer, for sale to a licensed Retailer.

(AA) DRIED FLOWER - All dead Cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(BB) **EDIBLE CANNABIS PRODUCT** - Cannabis Product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Cal. Food and Agricultural Code Division 15 (commencing with Section 32501). An Edible Cannabis Product is not considered food, as defined by Cal. Health and Safety Code Section 109935, or a drug, as defined by Cal Health and Safety Code Section 109925.

(CC) **FUND** - The Cannabis Control Fund established pursuant to Cal. Bus. and Prof. Code Section 26210.

(DD) **GREENHOUSE** - A fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for Cultivation.

(EE) **KIND** - Applicable type or designation regarding a particular Cannabis variant or Cannabis Product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(FF) **LABELING** - Any label or other written, printed, or graphic matter upon a Cannabis Product, upon its container.

(GG) **LICENSE** - A state license issued by the state and includes both an A-license and an M-license, as well as a Testing Laboratory license.

(HH) **LICENSEE** - Any person holding a license under this article, regardless of whether the license held is an A-license or an M-license, and includes the holder of a Testing Laboratory license.

(II) **LICENSING AUTHORITY** - The city and/or state agency responsible for the issuance, renewal, or reinstatement of the license, or the city and/or state agency authorized to take disciplinary action against the licensee.

(JJ) **LIMITED-ACCESS AREA** - An area in which cannabis is stored or held and is only accessible to a licensee or permittee and authorized personnel.

(KK) **LIVE PLANTS** - Living Cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(LL) **LOCAL JURISDICTION** - A city, county or city and county.

(MM) **LOCAL EQUITY APPLICANT** – Applicant with at least forty percent (40%) Local Ownership. To remain a Local Equity Applicant, a minimum of 40% Local Ownership must be maintained for the entire period of time in which a Local Equity Applicant has a Commercial Cannabis Business Permit. If an applicant does not obtain a Commercial Cannabis Business Permit based upon the local equity status, then that applicant shall not be deemed a Local Equity Applicant.

(NN) **LOCAL OWNERSHIP** -- Ownership interest(s) held by one or more natural persons who are a resident within the city's corporate boundaries as of the date the application is submitted and who maintain local residency at all times while their ownership interest(s) are used for qualifying as a Local Equity Applicant for one or more Commercial Cannabis Business Permits. Factors used to determine local residency shall include (as applicable) but are not limited to the following: ownership or rental of dwelling unit within the city's corporate boundaries that is the primary residence; California driver's license with a residential address within the city's corporate boundaries that is the primary residence; voter registration at a residential address within the city's corporate boundaries that is the primary residence; residential address within the city's corporate boundaries used for filing state and federal income

tax returns that is the primary residence; and the natural person does not have a homestead exemption in any jurisdiction other than within the city's corporate boundaries. Local Ownership" is subject to ongoing verification under penalty of perjury.

(OO) LOT - A Batch or a specifically identified portion of a Batch.

(PP) M-LICENSE - A state license issued by the state for Commercial Cannabis Activity involving medicinal Cannabis.

(QQ) M-LICENSEE - Any person holding a license by the state for Commercial Cannabis Activity involving medicinal cannabis.

(RR) MANUFACTURE - To compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product.

(SS) MANUFACTURED CANNABIS - Raw Cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(TT) MANUFACTURER - A licensee that conducts the production, preparation, propagation, or compounding of Cannabis or Cannabis Products either directly or indirectly by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages Cannabis or Cannabis Products or labels or container.

(UU) MANUFACTURING SITE - A location that produces, prepares, propagates, or compounds Cannabis or Cannabis Products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Commercial Cannabis Business Permit for Manufacturing from the city and, a valid state license as required for Manufacturing of Cannabis Products.

(VV) MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT - Cannabis or a Cannabis Product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5, by a medicinal Cannabis patient in California who possesses a physician's recommendation.

(WW) NONVOLATILE SOLVENT - Any solvent used in the extraction process that is not a volatile solvent. For purposes of this article, a nonvolatile solvent includes carbon dioxide (CO₂) used for extraction and ethanol used for extraction or post-extraction processing.

(XX) NURSERY - A Licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and Cultivation of Cannabis.

(YY) OPERATION - Any act for which a license is required under the provisions of this article, or any commercial transfer of Cannabis or Cannabis Products.

(ZZ) OWNER - Any of the following:

(1) A Person with an aggregate ownership interest of 20% or more in the Person applying for a license, Commercial Cannabis Business Permit or a Licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The manager of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the business applying for a license, or who has a financial interest in the business other than a fixed lease of real property.

(AAA) PACKAGE - Any container or receptacle used for holding Cannabis or Cannabis

Products.

(BBB) PATIENT or QUALIFIED PATIENT - The same definition as Cal. Health and Safety Code Sections 11362.7 *et seq.*, as it may be amended, and which means a person who is entitled to the protections of Cal. Health and Safety Code Section 11362.5.10.

(CCC) PERSON - Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(DDD) PERSON WITH AN IDENTIFICATION CARD - The meaning given that term by Cal. Health and Safety Code Section 11362.7.

(EEE) PHYSICIAN'S RECOMMENDATION - A recommendation by a physician that a patient use Cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5.

(FFF) PREMISES - The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or Licensee where the Commercial Cannabis Activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-license and an A-license for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

(GGG) PROCESSING - A Cultivation Site that conducts only trimming, drying, curing, grading, packaging, or labeling of Cannabis and nonmanufactured Cannabis Products.

(HHH) PURCHASER - The customer who is engaged in a transaction with a Licensee for purposes of obtaining cannabis or cannabis products.

(III) RETAILER - A Commercial Cannabis Business facility where Cannabis, Cannabis Products, or devices for the use of Cannabis or Cannabis Products are offered, either individually or in any combination, for retail Sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, Cannabis and Cannabis Products as part of a retail sale, and where the operator holds a valid Commercial Cannabis Business Permit from the city authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

(JJJ) SELL, SALE, and TO SELL - Include any transaction whereby, for any consideration, title to Cannabis or Cannabis Products are transferred from one person to another, and includes the Delivery of Cannabis or Cannabis Products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of Cannabis or Cannabis Products by a Licensee to the licensee from whom the Cannabis or Cannabis Product was purchased.

(KKK) STATE LICENSE - A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in Commercial Cannabis Activity.

(LLL) TESTING LABORATORY - A laboratory, facility, or entity in the state that offers or performs tests of Cannabis or Cannabis Products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in Commercial Cannabis Activity in the state.

(2) Licensed by the State of California.

(MMM) TOPICAL CANNABIS - A product intended for external application and/or absorption through the skin. A topical Cannabis Product is not considered a drug as defined by Cal. Health and Safety Code Section 109925.

(NNN) **TRANSPORT** - The transfer of Cannabis Products from the permitted business location of one Licensee to the permitted business location of another Licensee, for the purposes of conducting Commercial Cannabis Activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(OOO) **UNIQUE IDENTIFIER** - An alphanumeric code or designation used for reference to a specific plant on a licensed premises and any Cannabis or Cannabis Product derived or manufactured from that plant.

(PPP) **VOLATILE SOLVENT** - Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

(QQQ) **YOUTH CENTER** - Any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

A request for a cannabis employee permit will only be initiated after securing a favorable recommendation for a Commercial Cannabis Business Permit. If an Owner has employees at the time of submittal of the Commercial Cannabis Business Permit application, a request for a cannabis employee permit can be initiated in advance of issuance of a discretionary land use permit.

(A) Any person who is an employee or who otherwise works within a Commercial Cannabis Business must be legally authorized to do so under applicable state law.

(B) Any person who is an employee or who otherwise works within a Commercial Cannabis Business must obtain a commercial cannabis employee work permit from the city prior to performing any work at any Commercial Cannabis Business.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the city manager or his or her designee(s), and shall include, but not be limited to, the following information:

- (1) Name, address, and phone number of the applicant;
- (2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least 21 years of age must be submitted with the application;
- (3) Name, address of the Commercial Cannabis Business where the person will be employed, and the name of the primary manager of that business;
- (4) A list of any crimes enumerated in Cal. Bus. and Prof. Code Section 26057(b)(4) for

which the applicant or employee has been convicted;

(5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;

(6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the city manager or his or her designee(s);

(7) A statement signed under penalty of perjury that the information provided is true and correct;

(8) If applicable, verification that the applicant is a qualified patient or primary caregiver;

(9) A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) (1) The applicable city department head or his or her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(a) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in Cal. Penal Code Sections 186.11, 470, 484, and 504a; or

(b) Has committed a felony or misdemeanor involving fraud, deceit, or embezzlement; or

(c) Was convicted of a violent felony, a crime of moral turpitude; or

(d) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(2) Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (D)(1)(d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Cal. Penal Code, Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, or (ii) a conviction that was subsequently dismissed pursuant to Cal. Penal Code Sections 1203.4, 1203.4a, or 1203.41 or any other provision of state law allowing for dismissal of a conviction.

(E) The applicable department head or his or her designee(s) shall issue the commercial cannabis employee permit or a written denial to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis employee work permit cannot be issued within this time period, then the city manager or his or her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the city manager or his or her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or his or her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) An employee work permit shall be valid for a 12-month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (C)

above including the payment of a renewal application fee in an amount to be set by resolution of the city council.

(G) In the event a person changes employment from one Commercial Cannabis Business in the city to another, the work permit holder shall notify the applicable department head or his or her designee(s) in writing of the change within ten days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business in the city.

(H) The city may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in subsection (D) above or if facts become known to the city that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

(I) The city manager or his or her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the city clerk within ten days of the date the applicant received the notice of denial. The city manager or his/her designee shall hear such appeal and his/her decision shall be final and not subject to further appeals.

(K) The applicable city department head or his or her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SEC. 11-456. MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED.

(A) The number of each type of Commercial Cannabis Business that shall be permitted to operate in the city at any one time shall be as follows:

(1) Cannabis manufacturing - Maximum of eight at any one time, with up to three permits issued to Local Equity Applicants.

(2) Cannabis testing lab - Maximum of one at any one time.

(3) Cannabis distributor - Maximum of three at any one time, with up to one permit issued to a Local Equity Applicant.

(4) Cannabis retail - Maximum of 16 at any one time, with up to three permits issued to Local Equity Applicants.

(B) This section is only intended to create a maximum number of Commercial Cannabis Businesses that may be issued permits to operate in the city under each category. Nothing in this article creates a mandate that the city council must issue any or all of the Commercial Cannabis Business Permits.

(C) Each year following the city manager's initial award of Commercial Cannabis Business Permits, if any, or at any time at the city council's discretion, the city council may reassess the number of Commercial Cannabis Business Permits which are authorized for issuance. The city council, at its discretion, may determine that the number of Commercial Cannabis Business Permits should remain the same or be expanded.

SEC. 11-457. COMMERCIAL CANNABIS BUSINESS PERMIT; APPLICATION PROCEDURE.

(A) The city manager or his or her designee shall adopt procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any Commercial Cannabis Business Permit(s), which shall include or require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria (“review criteria”). The city manager or his or her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the city manager or his or her designee(s) will make a final determination in accordance with this section and shall either deny or approve the final candidates and shall select the top candidates in each category of the Commercial Cannabis Businesses. Notwithstanding anything in this article to the contrary, the city manager’s decision as to the selection of the prevailing candidates shall be final and shall not be subject to appeal.

(D) Official issuance of the Commercial Cannabis Business Permit(s) is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the city manager’s selection of the Person who shall be issued a Commercial Cannabis Business Permit, the prevailing candidate(s) shall apply to the city’s Community Development Department to obtain required land use approvals or entitlements for the permittee’s location and use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act. The city council shall formally issue the Commercial Cannabis Business Permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.

(E) Issuance of a Commercial Cannabis Business Permit does not create a land use entitlement. The Commercial Cannabis Business Permit shall only be for a term of 12 months and shall expire at the end of the 12-month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a Commercial Cannabis Business Permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.

(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a Commercial Cannabis Business Permit until a permit is actually issued, and then only for the duration of the permit’s term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each person granted a Commercial Cannabis Business Permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the Commercial Cannabis Business Permit program created in this article.

(I) *Preservation of rights.* The city reserves the right to reject any or all applications. Prior to permit issuance by the City Council, the city may also modify, postpone, or cancel any request

for applications, or the entire program under this article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to possible reject for failure to comply with other requirements in this article, an applicant also risks being rejected for any of the following reasons:

- (1) Proposal received after designated time and date.
- (2) Proposal not containing the required elements, exhibits, nor organized in the required format.
- (3) Proposal considered not fully responsive to the request for permit application.

SEC. 11-458. PERSONS PROHIBITED FROM HOLDING A LICENSE OR EMPLOYEE WORK PERMIT.

Any Person who has been issued any of the following actions or notices for non-compliance, shall be prohibited from holding a Commercial Cannabis Business Permit in the city, with such actions or notices also grounds for denial of a Commercial Cannabis Business Permit:

- (A) The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other state cannabis licensing authority;
- (B) The applicant was notified that they were conducting Commercial Cannabis Activity in non-compliance with this chapter 11 or other city ordinances, codes or requirements in which they failed to discontinued operating in a timely manner;
- (C) Evidence that the applicant was in non-compliance of properly paying federal, state or local taxes and/or fees when notified by the appropriate agencies;
- (D) The applicant was conducting Commercial Cannabis Activity in the city in violation of local and state law;

SEC. 11-459. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS.

Each Commercial Cannabis Business Permit issued pursuant to this article shall expire 12 months after the date of its issuance. Commercial Cannabis Business Permits may be renewed as provided in section 11-461.

SEC. 11-460. REVOCATION OF PERMITS.

Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to any policy, procedure or regulation in this article.

SEC. 11-461. RENEWAL APPLICATIONS.

- (A) An application for renewal of a Commercial Cannabis Business Permit shall be filed at least 60 calendar days prior to the expiration date of the current permit.
- (B) The renewal application shall contain all the information required for new applications.

(C) The applicant shall pay a fee in an amount to be set by the city council to cover the costs of processing the renewal permit application, together with any costs incurred by the city to administer the program created under this article.

(D) An application for renewal of a Commercial Cannabis Business Permit may be rejected if any of the following exists:

- (1) The application is filed less than 60 days before its expiration.
- (2) The Commercial Cannabis Business permit is suspended or revoked at the time of the application.
- (3) The Commercial Cannabis Business has not been in regular and continuous operation in the four months prior to the renewal application.
- (4) The Commercial Cannabis Business has failed to conform to the requirements of this article, or of any regulations adopted pursuant to this article.
- (5) The permittee fails or is unable to renew its State of California license.
- (6) If the city or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this article, of the city ordinance, or of the state rules and regulations, and the city or state has determined that the violation is grounds for termination or revocation of the Commercial Cannabis Business Permit.

(E) The city manager or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or his or her designee(s) is authorized to impose additional conditions to a renewal permit if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or his or her designee(s) shall be handled pursuant to Sections 11-464 to 11-465.

(F) If a renewal application is rejected, a person may file a new application pursuant to this article no sooner than one year from the date of the rejection.

SEC. 11-462. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

Suspension of a license issued by the state, or by any of its departments or divisions, shall immediately suspend the ability of a Commercial Cannabis Business to operate within the city, until the state, or its respective department or division, reinstates or reissues the state license. Should the state, or any of its departments or divisions, revoke or terminate the license of a Commercial Cannabis Business, such revocation or termination shall also revoke or terminate the ability of a Commercial Cannabis Business to operate within the city.

SEC. 11-463. APPEALS.

Unless specifically provided elsewhere to the contrary, whenever an appeal is specifically provided for in this article, the appeal shall be conducted as prescribed in this article.

SEC. 11-464. WRITTEN REQUEST FOR APPEAL.

(A) Within ten calendar days after the date of a decision of the city manager or his or her designee(s) to revoke, or suspend, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the

decision was not proper.

(B) Within ten calendar days after the date of a decision of the Planning Commission pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(C) At the time of filing, the appellant shall pay the designated appeal fee in an amount, established by resolution of the city council.

SEC. 11-465. APPEAL HEARING.

(A) Upon receipt of the written appeal pursuant to Section 11-464, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.

(B) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the city council shall be final.

SEC. 11-466. APPEAL FROM DECISION OF COMMUNITY DEVELOPMENT DIRECTOR

(A) Within ten calendar days after the date of a decision of the community developer director pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. At the time of filing, the appellant shall pay the designated appeal fee, established by resolution of the city council.

(B) Upon receipt of the written appeal pursuant to subsection (A), the city clerk shall set the matter for a hearing before the Planning Commission. The Planning Commission shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the Planning Commission shall be final.

SEC. 11-467. CHANGE IN LOCATION; UPDATED REGISTRATION FORM.

Any time the location of the Commercial Cannabis Business or retailer specified in the regulatory permit is proposed to be changed, the applicant shall be required to first secure a new Commercial Cannabis Business Permit, and discretionary land use permit for the new location before moving to that location, with such approvals subject to terminating the Commercial Cannabis Business Permit at the existing location so there is no net increase in the number of Cannabis Business Permits issued within the City. The process and the fees shall be the same as for a new facility and in accordance with the regulations specified in this article. No proposed change in location shall be considered until such time as the original location has first been

opened for business for a minimum of one (1) year consistent with the requirement of the city's regulations.

SEC. 11-468. TRANSFER OF CANNABIS BUSINESS PERMIT.

(A) The holder of a Cannabis Business Permit shall not transfer ownership or control of the permit to another Person unless and until the transferee obtains an amendment to the permit from the city manager or his or her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or his or her designee in accordance with all provisions of this article (as though the transferee were applying for an original Cannabis Business Permit) accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee), and the city manager or his or her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this article. The decision of the city manager is final.

(B) Commercial Cannabis Business Permits issued through the grant of a transfer by the city manager or his or her designee shall be valid for a period of one year beginning on the day the city manager or his or her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this article.

(C) Changes in ownership of a permittee business structure or a substantial change in the ownership of a permittee business entity (i.e., changes that result in a cumulative change of more than 51% of the original ownership) must be approved by the city manager or his or her designee through the transfer process contained in subsection (A). Failure to comply with this provision is grounds for permit revocation.

(D) (1) A permittee may change the form of business entity without applying to the city manager or his or her designee for a transfer of permit, provided that either:

(a) The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or

(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

(2) Although a transfer is not required in these two circumstances, the permit holder is required to notify the city manager in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No Commercial Cannabis Business Permit may be transferred when the city manager or his or her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a Commercial Cannabis Business Permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(G) Notwithstanding any language in this section to the contrary, no transfer of a local equity ownership interest in a business that obtained its Commercial Cannabis Business Permit as a Local Equity Applicant shall be allowed if such proposed transfer would reduce the local equity

interest in the Commercial Cannabis Business to a level below that required for a Local Equity Applicant.

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

Prior to commencing operations, a Commercial Cannabis Business shall obtain a City of Oxnard business tax certificate, pursuant to Article I.

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

Prior to commencing operations, a Commercial Cannabis Business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the fire department approvals, health department approvals and other zoning and discretionary land use permit(s) and approvals.

SEC. 11-471. CERTIFICATION FROM THE COMMUNITY DEVELOPMENT DIRECTOR.

Prior to submittal of a Commercial Cannabis Business Permit application, a certification from the community development director or his or her designee(s) certifying that the business is located on a site that meets all of the requirements of chapter 16 and this article shall be obtained. A fee shall be established by city council resolution for submittal and processing of this certification.

SEC. 11-472. RIGHT TO OCCUPY AND TO USE PROPERTY.

(A) As a condition precedent to the city's issuance of a Commercial Cannabis Business Permit pursuant to this article, any person intending to open and to operate a Commercial Cannabis Business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner has read this article and consents to the operation of the Commercial Cannabis Business on the owner's property.

(B) The lease, sublease or other agreement to occupy the property must be at fair market value and not have any terms or conditions for the permittee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

SEC. 11-473. LOCATION AND DESIGN OF CANNABIS BUSINESSES.

Specific types of Commercial Cannabis Businesses are subject to the following zoning and locational requirements:

(A) All Cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this article. Manufacturing, testing, and distribution facilities are conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP), as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements: Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(B) All Cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this subsection (B). Retailers are conceptually permitted in property zoned neighborhood shopping center (C-1), neighborhood shopping center planned development (C-1-PD), general commercial (C-2), general commercial planned development (C-2-PD), Coastal Neighborhood Commercial (CNC), and commercial planned development (CPD), business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements: RiverPark - commercial office, commercial convention, and commercial regional; Sakioka Farms; and Camino Real Business Park.

(C) Compliance with any specific plan requirements.

(D) The property on which any Commercial Cannabis Business is located must also meet all of the following distance requirements:

(1) It shall be no closer than 600 feet of any of the following:

(a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(2) The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(E) Each proposed Commercial Cannabis Business use shall:

(1) Conform with the city's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection

(sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.

SEC. 11-474. LIMITATIONS ON CITY'S LIABILITY.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Business Permit pursuant to this article or otherwise approving the operation of any Commercial Cannabis Business. As a condition to the approval of any Commercial Cannabis Business Permit, the applicant shall be required to meet all of the following conditions before they can receive the Commercial Cannabis Business Permit:

(A) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the city and its officers, officials, employees, representatives, and agents harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the city's issuance of the Commercial Cannabis Business Permit, the city's decision to approve the operation of the Commercial Cannabis Business or activity, the process used by the city in making its decision, or the alleged violation of any federal, state or local laws by the Commercial Cannabis Business or any of its officers, employees or agents.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager.

(C) Reimburse the city for all costs and expenses, including but not limited to legal fees and costs and court costs, which the city may be required to pay as a result of any legal challenge related to the city's approval of the applicant's Commercial Cannabis Business Permit, or related to the city's approval of a Commercial Cannabis Activity. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

SEC. 11-475. [RESERVED]

SEC. 11-476. RECORDS AND RECORDKEEPING.

(A) Each owner and operator of a Commercial Cannabis Business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business Permit issued pursuant to this article), or at any time upon reasonable request of the city, each Commercial Cannabis Business shall file a sworn statement detailing the number of sales by the Commercial Cannabis Business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or his or her designee(s).

(B) Each owner and operator of a Commercial Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone

number) of anyone owning or holding an interest in the Commercial Cannabis Business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the Commercial Cannabis Business. The register required by this paragraph shall be provided to the city manager or his or her designee(s) upon a reasonable request.

(C) All Commercial Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

(D) Each Commercial Cannabis Business shall allow the city to have access to the businesses books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than 24 hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SEC. 11-477. OPERATIONAL STANDARDS.

(A) A permitted Commercial Cannabis Business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business Except as may otherwise be determined by the city manager or his or her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the best practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the discretionary land use permit approval:

- (1) Alarm system (perimeter, fire, and panic buttons).
- (2) Remote monitoring of alarm systems by licensed security professionals and first responders (Knox box, etc.).
- (3) Perimeter lighting systems (including motion sensors) for after-hours security.
- (4) Perimeter security and lighting as approved by the police chief, community development department or his or her designee.
- (5) Preventing individuals from remaining on the premises of the Commercial Cannabis Business if they are not engaging in an activity directly related to the permitted operations of the Commercial Cannabis Business.
- (6) Establishing limited access areas accessible only to authorized Commercial Cannabis Business personnel.
- (7) Plan for cash handling as relevant to manufacturing, testing, and distribution operations.
- (8) Except for live growing plants which are being cultivated at a cultivation facility, all Cannabis and Cannabis Products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
- (9) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the Commercial Cannabis

Business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weatherproof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The Commercial Cannabis Business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the city manager or his or her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the city manager or his or her designee(s). Video recordings shall be maintained for a minimum of 90 days and shall be made available to the city manager or his or her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the Commercial Cannabis Business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Oxnard police department by the Commercial Cannabis Business, to facilitate remote monitoring of security cameras by the department or its designee.

(10) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(11) Panic buttons shall be installed in all Commercial Cannabis Businesses with direct notification to Oxnard police department dispatch, and shall be configured to immediately alert dispatch for the Oxnard police department.

(12) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(13) Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.

(14) Security personnel shall monitor premises in accordance with a security plan as authorized by the city manager or his or her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his or her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the police chief.

(15) Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(16) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the Commercial Cannabis Business; or (b) a licensed security professional.

(17) Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(18) Each Commercial Cannabis Business shall demonstrate to the police chief, city manager or their designees compliance with the state's track and trace system for Cannabis and Cannabis Products, as soon as it is operational.

(19) Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

(20) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(B) Each Commercial Cannabis Business shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the city manager or his or her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or his or her designee upon request that meets the following requirements:

(1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

(2) Identifies all managers of the Commercial Cannabis Business and their contact phone numbers.

(3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

(4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(5) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business's control.

(6) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

(C) As part of the application and permitting process, each Commercial Cannabis Business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(D) The Commercial Cannabis Business shall cooperate with the city whenever the city manager or his or her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this article. Prevention fire inspectors shall be allowed access to audit buildings for fire life safety concerns on a yearly basis or as determined necessary per the fire marshal.

(E) A Commercial Cannabis Business shall notify the city manager or his or her designee(s) within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or his or her designee(s).

(2) Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.

(3) The loss or unauthorized alteration of records related to Cannabis, customers or employees or agents of the Commercial Cannabis Business.

(4) Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the city manager or his or her designee prior to commencing business operations. The city manager or his or her designee may supplement these security requirements once operations begin, subject to review by the city manager if requested by the business owner.

SEC. 11-478. RESTRICTION ON ALCOHOL AND TOBACCO SALES.

(A) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.

(B) No person shall cause or permit the sale of tobacco products on or about the premises of the Commercial Cannabis Business.

SEC. 11-479. FEES AND CHARGES.

(A) No person may commence or continue any Commercial Cannabis Activity in the city without timely paying in full all fees and charges required for the operation of a Commercial Cannabis Activity. Fees and charges associated with the operation of a Commercial Cannabis Activity shall be established by resolution of the city council which may be amended from time to time.

(B) All Commercial Cannabis Businesses authorized to operate under this article shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each Commercial Cannabis Business shall cooperate with the city with respect to any reasonable request to audit the Commercial Cannabis Business's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the city and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational agreement with the city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this article, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

(A) Commercial Cannabis Businesses may operate only during the hours specified in the Commercial Cannabis Business Permit issued by the city and/or as determined within the discretionary land use permit.

(B) Restriction on consumption - Cannabis shall not be consumed by any employee on the premises of any Commercial Cannabis Business.

(C) No Cannabis or Cannabis Products or graphics depicting Cannabis or Cannabis Products shall be visible from the exterior of any property issued a Commercial Cannabis Business Permit, or on any of the vehicles owned or used as part of the Commercial Cannabis Business. No outdoor storage of Cannabis or Cannabis Products is permitted at any time.

(D) Reporting and tracking of product and of gross sales - Each Commercial Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the Commercial Cannabis Business including, but not limited to, such matters as Cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The Commercial Cannabis Business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review.

Furthermore, any system selected must be approved and authorized by the city manager or his or her designee(s) prior to being used by the permittee.

(E) All Cannabis and Cannabis Products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.

(F) Emergency contact and emergency response plan - Each Commercial Cannabis Business shall provide the city manager or his or her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each Commercial Cannabis Business must have a fire evacuation plans, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved by the fire and police chiefs or designee.

(G) Signage and notices -

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a Commercial Cannabis Business shall conform to the requirements of the city regulations, including, but not limited to, seeking the issuance of a city sign permit.

(2) No signs placed on the premises of a Commercial Cannabis Business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a Commercial Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the Commercial Cannabis Business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No Commercial Cannabis Business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the Commercial Cannabis Business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

(H) Minors -

(1) Persons under the age of 21 years shall not be allowed on the premises of a Commercial Cannabis Business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this article for any person to employ any person at a Commercial Cannabis Business who is not at least 21 years of age.

(2) The entrance to the Commercial Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the Commercial Cannabis Business.

(I) Odor control - Odor control devices and techniques shall be incorporated in all Commercial Cannabis Businesses to ensure that odors from Cannabis are not detectable off-site. Commercial Cannabis Businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Business. As such, Commercial Cannabis Businesses must install and maintain the following equipment, or any other equipment which the community development director or his

or her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the Commercial Cannabis Businesses interior and exterior, so that the odors generated inside the Commercial Cannabis Business are not detectable on the outside of the Commercial Cannabis Business.

(J) Display of permit and city business tax certificate - The original copy of the Commercial Cannabis Business Permit issued by the city pursuant to this article and the city issued business license shall be posted inside the Commercial Cannabis Business in a location readily-visible to the public.

(K) Background check - Pursuant to Cal. Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a Commercial Cannabis Business must submit fingerprints and other information deemed necessary by the police chief or his or her designee(s) for a background check by the City of Oxnard police department. Pursuant to Cal. Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no person shall be issued a permit to operate a Commercial Cannabis Business or a related work permit unless they have first cleared the background check, as determined by the police chief or his or her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the city to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a Commercial Cannabis Business Permit is submitted.

(L) Loitering - The Owner and/or operator of a Commercial Cannabis Business shall prohibit loitering by persons outside the facility both on the premises and within 50 feet of the premises.

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

The city manager or his or her designee may develop other Commercial Cannabis Business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

SEC. 11-482. OPERATING REQUIREMENTS FOR TESTING LABS.

(A) Testing Laboratories shall be required to conduct all testing in a manner pursuant to Cal. Bus. and Prof. Code Section 26100 and shall be subject to state and local law. Each Testing Laboratory shall be subject to additional regulations as determined from time to time as more regulations are developed under this article and any subsequent state legislation regarding the same.

(B) Testing Laboratories shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using

verified methods.

(C) All Cannabis Testing Laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.

(D) Testing Laboratories shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Bureau of Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Bureau of Cannabis Control.

(E) Each operator shall ensure that a Testing Laboratory employee takes the sample of Cannabis or Cannabis Products from the distributor's premises for testing required by state law and that the Testing Laboratory employee transports the sample to the Testing Laboratory.

(F) Except as provided by state law, a Testing Laboratory shall not acquire or receive Cannabis or Cannabis Products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense Cannabis, or Cannabis Products, from the licensed premises from which the Cannabis or Cannabis Products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A Testing Laboratory may receive and test samples of Cannabis or Cannabis Products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for Cannabis for medicinal purpose. A Testing Laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the Cannabis or Cannabis Products received.

(H) Approval of Testing Laboratories shall be through approval of a development design review (DDR) permit to be issued by the community development director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

(A) A Distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a Distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Cal. Code of Regulations, Section 5000.

(B) After taking physical possession of a Cannabis goods batch, the Distributor shall contact a Testing Laboratory and arrange for a laboratory employee to come to the Distributor's licensed premises to select a representative sample for laboratory testing.

(C) A Distributor shall ensure that all Cannabis goods batches are stored separately and distinctly from other Cannabis goods batches on the Distributor's premises.

(D) The Distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.

(E) A Distributor or an employee of the Distributor shall be physically present to observe the laboratory employee obtain the sample of Cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the

recording kept available to state and local authorities for a minimum of 180 days, pursuant to Title 16, Cal. Code of Regulations, Section 5305.

(F) A Distributor shall not transport Cannabis or Cannabis Products to a licensed retail facility until and unless it has verified that the Cannabis or Cannabis Products have been tested and certified by a Testing Laboratory as being in compliance with state health and safety requirements pursuant to Title 16, Cal. Code of Regulations, Sections 5705, 5710 and 5714.

(G) Approving of Distributor shall be through the approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-484. OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING: EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS.

(A) Cannabis manufacturing facilities requiring a type-6, type-7, type S, or any subsequent created Manufacturing state license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in the city code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the city in containers that exceeds the amount which is approved by the Oxnard fire department and authorized by the regulatory permit. Each site or parcel subject to a Commercial Cannabis Business Permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard fire department.

(C) Cannabis Manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least 99% purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO₂ must be of at least 99% purity.

(E) Closed loop systems for compressed gas extraction systems must be used and must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the state, or from a state certified professional engineer or state certified industrial hygienist from another state, must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

- (1) The American Society of Mechanical Engineers (ASME);
- (2) American National Standards Institute (ANSI);
- (3) Underwriters Laboratories (UL); or
- (4) The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional

engineer and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Oxnard fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

(I) Cannabis Manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(J) Cannabis Manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(K) Cannabis Manufacturing facilities creating Cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(L) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(M) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(N) Approval of manufacturing facilities shall be through approval of a development design review (DDR) permit to be issued by the community development director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-485. OPERATING REQUIREMENTS FOR STORE FRONT/RETAIL FACILITIES.

(A) No more than the number of cannabis retailers authorized by section 11-456 shall operate within the city at any one time.

(B) Approval of retail dispensaries shall be through approval of a special use permit to be issued by the Planning Commission. The appeal of the approval or denial of such special use permit shall be to the City Council pursuant to Sections 14-464 and 11-465.

(C) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and state-issued medical marijuana card. Persons 18 to 20 years old who are unable to produce either form of medical documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of Cannabis or Cannabis Products.

(D) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification, and, in the case of medical cannabis facilities, their physician's recommendation, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point of sale

station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the police chief.

(F) Retailers may have only that quantity of Cannabis and Cannabis Products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(G) All restroom facilities shall remain locked and under the control of management.

(H) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this subsection.

(1) The sale and delivery of Cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which Cannabis goods are sold to persons within or about a motor vehicle.

(3) No Cannabis shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All Cannabis goods sold by a Retailer shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where Cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling Cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Cal. Bus. and Prof. Code Chapters 11.4 and 11.5 of Division 3.

(I) Access to retailer premises -

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding subsection (I)(1) above, individuals who are at least 18 years of age and in possession of a valid physician's recommendation or state-issued medical marijuana card shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

(J) Authorized sales - A retailer shall only sell adult-use Cannabis and adult-use Cannabis Products to individuals who are at least 21 years of age. A retailer shall only sell medicinal Cannabis or medicinal Cannabis Products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(K) Limited access areas - A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer

shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the police chief or the development services director upon request.

(L) Operating hours of the store front retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(M) Parking requirements shall be in accordance with the Oxnard City Code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study.

(N) *Store front/retail security requirements.* All security measures required by section 11-477 (operational standards) are directly applicable to and binding on all Commercial Cannabis Businesses, including all Retailers.

SEC. 11-486. OPERATING REQUIREMENTS FOR RETAILERS (A) Retailers that provide delivery are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of 18 years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

(B) Operating hours of the non-store front Retailer shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(C) The non-store front Retailer shall only sell cannabis or cannabis products to a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses a physician's recommendation for cannabis medical use only, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71.

(D) The non-store front Retailer may only have on-site that quantity of Cannabis and Cannabis Products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

SEC. 11-487. NON-STORE FRONT RETAILER VEHICLE REQUIREMENTS.

Prior to commencing operations, a non-store front Retailer shall provide the following information to the city.

(A) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver Cannabis or Cannabis Products.

(B) The year, make, model, color, license plate number, and vehicle identification number (VIN) for any and all vehicles that will be used to deliver Cannabis or Cannabis Products.

(C) Proof of insurance as required in section 11-474(B) for any and all vehicles being used to deliver Cannabis or Cannabis Products.

(D) The licensee shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver Cannabis and/or Cannabis Products prior to using the vehicle to deliver Cannabis and/or Cannabis Products.

(E) The Commercial Cannabis Business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

SEC. 11-488. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(A) In addition to any regulations adopted by the city council, the city manager or his or her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of Commercial Cannabis Business Permits, the ongoing operation of Commercial Cannabis Businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this article.

(B) Regulations shall be published on the city's website.

(C) Regulations promulgated by the city manager shall become effective upon date of publication. Commercial Cannabis Businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or his or her designee.

(D) Testing Laboratories, distribution facilities and special events shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent state legislation regarding the same.

SEC. 11-489. COMMUNITY RELATIONS.

(A) Each Commercial Cannabis Business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the Commercial Cannabis Business can be provided. Each Commercial Cannabis Business shall also provide the above information to all businesses and residences located within 600 feet of the Commercial Cannabis Business.

(B) During the first year of operation pursuant to this article, the Owner, manager, and community relations representative from each Commercial Cannabis Business holding a permit issued pursuant to this article shall attend quarterly meetings with the city manager or his or her designee(s), and other interested parties as deemed appropriate by the city manager or his or her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this article. After the first year of operation, the Owner, manager, and community relations representative from each such Commercial Cannabis Business shall meet with the city manager or his or her designee(s) when and as requested by the city manager or his or her designee(s).

(C) Commercial Cannabis Businesses to which a permit is issued pursuant to this article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives.

SEC. 11-490. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS.

The person to whom a Commercial Cannabis Business Permit is issued pursuant to this article shall be responsible for all violations of the laws of the state or of the regulations and/or the ordinances of the city whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the Commercial Cannabis Business whether or not said violations occur within the permit holder's presence.

SEC. 11-491. INSPECTION AND ENFORCEMENT.

(A) The city manager, or his or her designee(s) charged with enforcing the provisions of the city code, or any provision thereof, may enter the location of a Commercial Cannabis Business at any time, without notice, and inspect the location of any Commercial Cannabis Business as well as any recordings and records required to be maintained pursuant to this article or under applicable provisions of state law.

(B) It is unlawful for any person having responsibility over the operation of a Commercial Cannabis Business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a Commercial Cannabis Business under this article or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a Commercial Cannabis Business under this article or under state or local law.

(C) The city manager, or his or her designee(s) charged with enforcing the provisions of this article may enter the location of a Commercial Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard city manager or these regulations.

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

It is the stated intent of this article to regulate commercial cannabis activity in the city in compliance with all provisions MAUCRSA and any subsequent state legislation.

SEC. 11-493. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

SEC. 11-494. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the city. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, any permit issued pursuant to this article being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the Commercial Cannabis Business or persons related to, or associated with, the Commercial Cannabis Activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or his or her designee(s), may take immediate action to temporarily suspend a Commercial Cannabis Business Permit issued by the city, pending a hearing before the city manager, or his or her designee(s).

SEC. 11-495. CRIMINAL PENALTIES.

Each and every violation of the provisions of this article may at the discretion of the district attorney or city attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. Each Commercial Cannabis Business may be cited for any violation of any law and/or any rule, regulation and/or standard adoption pursuant to this article. A fine not to exceed \$10,000 for the first violation, \$15,000 for the second violation and revocation of the permit for a period of two years after which time the business operator would have to reapply. The fine for operating an unlicensed and/or unpermitted Commercial Cannabis Business shall be \$30,000 per day and the issuance of a notice to appear in court. Each day a violation is committed or permitted to continue shall constitute a separate offense. At the discretion of the city manager or his or her designee, higher or lower fines or penalties may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances. Aggravating factors may include, but are not limited to: prior disciplinary history, nature and severity of the act(s), violations, offenses, or crime(s) under consideration, actual or potential harm to the public, actual or potential harm to any consumer, prior warning letters, licensee involvement, premises in high crime area, lack of cooperation by licensee in investigation, appearance and actual age of minor, continuing course or pattern of conduct. Mitigating factors may include, but are not limited to: length of licensure at subject location without prior discipline problems, positive action by licensee to correct problem, documented training of licensee and employees and cooperation by licensee in investigation.

SEC. 11-496. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.”

Section 2. Article XVI of Chapter 7 of the Oxnard City Code (Oxnard City Code Section 7-280 to 7-284) is hereby repealed.

Section 3. Article XV of Chapter 11 of the Oxnard City Code regarding Medical Cannabis Delivery (Oxnard City Code Section 11-390 to 11-403) is hereby repealed.

Section 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 5. Within 15 days after passage, the City Clerk shall cause a summary of this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on December 1, 2020, and was adopted on _____, 2020, to become effective thirty (30) days thereafter.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA REPEALING AND READOPTING ARTICLE XVII OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-450 TO 11-496) REGARDING COMMERCIAL CANNABIS ACTIVITY, REPEALING CHAPTER 7, ARTICLE XVI OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTION 7-280 TO 7-285) REGARDING CANNABIS AND MEDICAL CANNABIS MEDICAL ACTIVITIES, AND REPEALING ARTICLE XV OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-390 TO 11-403) REGARDING MEDICAL CANNABIS DELIVERY

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Article XVII of Chapter 11 of the Oxnard City Code regarding Commercial Cannabis Activity is hereby repealed and readopted to read as follows:

“ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

It is the purpose and intent of this article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, ~~Tax &~~ Regulate ~~the~~ and Tax Adult Use of Cannabis Act (“AUMA” or “Proposition 64” enacted by California voters in 2016), while imposing sensible regulations on the use of land to protect the city’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this article to regulate the ~~cultivation, processing~~ Cultivation, Processing, manufacturing, testing, ~~sale~~ Sale, ~~delivery, distribution~~ Delivery, Distribution, and transportation of ~~cannabis~~ Cannabis and ~~cannabis-products~~ Cannabis Products in a responsible manner to protect the health, safety, and welfare of the residents of the ~~City of Oxnard~~ city and to enforce rules and regulations consistent with ~~State~~ state law. It is the further purpose ~~of~~ and intent of this article to require all commercial cannabis operators to obtain and renew annually a permit to operate within the ~~City of Oxnard~~ city. Nothing in this article is intended to authorize the possession, use, or provision of ~~cannabis~~ Cannabis for purposes that violate ~~State~~ state or federal law. The provisions of this article are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under ~~State~~ state, city, or other law.

SEC. 11-451. LEGAL AUTHORITY.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the ~~Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter “MAUCRSA”)~~, any

subsequent ~~State~~state legislation and/or regulations regarding same, the ~~City of Oxnard~~city is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of ~~commercial cannabis activity~~Commercial Cannabis Activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the ~~State of California~~state, or any of its departments or divisions, shall be the minimum standards applicable in the ~~City of Oxnard~~city to all ~~commercial cannabis activity~~Commercial Cannabis Activity.

SEC. 11-452. CANNABIS CULTIVATION AND COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

Except as specifically authorized in this article, the commercial ~~cultivation, manufacture, processing~~Cultivation, Manufacture, Processing, storing, laboratory testing, ~~labeling~~Labeling, ~~sale~~Sale, ~~delivery, distribution~~Delivery, Distribution or transportation (other than as provided under Cal. Bus. and Prof. Code, Section 26090(e)), of ~~cannabis~~Cannabis or ~~cannabis-product~~Cannabis Product is expressly prohibited in the ~~City of Oxnard~~city.

SEC. 11-453. COMPLIANCE WITH STATE AND LOCAL LAWS.

It is the responsibility of the ~~owners~~Owners and operators of ~~the commercial cannabis business~~a Commercial Cannabis Business to ensure that it is always operating in a manner compliant with all applicable ~~State~~state and local laws, and any regulations promulgated thereunder. Nothing in this article shall be construed as authorizing any actions that violate federal, ~~State law~~state or local law with respect to the operation of a ~~commercial cannabis business~~Commercial Cannabis Business. It shall be the responsibility of the owners and the operators of ~~the commercial cannabis business~~a Commercial Cannabis Business to ensure that the ~~commercial cannabis business~~Commercial Cannabis Business is, at all times, operating in a manner compliant with all applicable federal, ~~State~~state and local laws, including the ~~Medicinal and Adult Use Cannabis Regulation and Safety Act~~ (“MAUCRSA”), and any subsequently enacted ~~State~~state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the local ~~commercial cannabis business permit~~Commercial Cannabis Business Permit. Nothing in this article shall be construed as authorizing any actions that violate federal or ~~State~~state law regarding the operation of a ~~commercial cannabis business~~Commercial Cannabis Business.

SEC. 11-454. DEFINITIONS.

When used in this article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) A-LICENSE - A ~~State~~state license issued by the Bureau of Cannabis ~~Regulation Control~~ for ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician’s recommendations.

(B) A-LICENSEE - Any person holding a license ~~under this division~~ for ~~cannabis~~Cannabis or

~~eannabis-products~~Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(C) APPLICANT - An ~~owner~~Owner applying for a ~~city license~~Commercial Cannabis Business Permit pursuant to this article.

(D) BATCH - A specific quantity of homogeneous ~~eannabis~~Cannabis or ~~eannabis-product~~Cannabis Product that is one of the following types:

(1) HARVEST BATCH - A specifically identified quantity of dried flower or trim, leaves, and other ~~eannabis~~Cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.

(2) MANUFACTURED CANNABIS BATCH - Either of the following:

(a) An amount of ~~eannabis~~Cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(b) An amount of a type of manufactured ~~eannabis~~Cannabis produced in one production cycle using the same formulation and standard operating procedures.

(E) BUREAU - The Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation, or its successor.

(F) CANNABIS - All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. ~~CANNABIS~~Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. ~~CANNABIS~~Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, ~~CANNABIS~~Cannabis does not mean "industrial hemp" as defined by Cal. Health and Safety Code, Section 11018.5 or Cal. Food and Agricultural Code Section 81000.

(G) CANNABIS ACCESSORIES - The same meaning as in Cal. Health and Safety Code, Section 11018.2.

(H) CANNABIS INNOVATION ZONE - A park or campus which is one contiguous commercial area of land which has many ~~eannabis~~Cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.

(I) CANNABIS CONCENTRATE - Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a ~~eannabis~~Cannabis plant is a concentrate for purposes of this ~~division~~article. A ~~eannabis~~Cannabis concentrate is not considered food, as defined by Cal. Health and Safety Code, Section 109935, or drug, as defined by Cal. Health and Safety Code, Section 109925.

(J) CANNABIS PRODUCT - A product containing ~~eannabis~~Cannabis, including, but not limited to, manufactured ~~eannabis~~Cannabis, - intended to be sold for use by ~~eannabis~~Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5 (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this article, ~~"eannabis"~~Cannabis does not include industrial hemp as defined by Cal. Food and Agricultural Code, Section 81000, or Cal.

Health and Safety Code, Section 11018.5.

(K) CANNABIS PRODUCTS - The same meaning as in Cal. Health and Safety Code, Section 11018.1.

(L) CANOPY - The designated area(s) at a licensed premise, except nurseries that will contain mature plants at any point in time.

(1) ~~CANOPY~~Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; and

(2) ~~CANOPY~~Canopy may be non contiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total ~~CANOPY~~Canopy calculation.

(M) CAREGIVER or PRIMARY CAREGIVER - The same meaning as that term is defined in Cal. Health and Safety Code, Section 11362.7.

(N) CHILD RESISTANT - Designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(O) CITY - The City of Oxnard including the area within the territorial city limits of the city and such territory outside of the city over which the city council has jurisdiction or control by virtue of any provision of law.

(P) COMMERCIAL CANNABIS ACTIVITY - Includes the possession, ~~manufacture, distribution, processing~~Manufacture, Distribution, Processing, storing, ~~Sale~~, laboratory testing, packaging, ~~labeling~~Labeling or transportation of ~~cannabis~~Cannabis and ~~cannabis-products~~Cannabis Products as provided for in this division. ~~This definition does not include the retail sale of cannabis or cannabis products.~~

(Q) COMMERCIAL CANNABIS BUSINESS - Any business or operation which engages in medicinal or adult-use ~~commercial cannabis activity~~Commercial Cannabis Activity.

(R) COMMERCIAL CANNABIS BUSINESS PERMIT - A regulatory permit issued by the ~~City of Oxnard~~city pursuant to this article to a ~~commercial cannabis business~~Commercial Cannabis Business and is required before any ~~commercial cannabis activity~~Commercial Cannabis Activity may be conducted in the city. The initial permit and annual renewal of a ~~commercial cannabis business permit~~Commercial Cannabis Business Permit is made expressly contingent upon the business's ongoing compliance with all of the requirements of this article and any regulations adopted by the city governing the ~~commercial cannabis activity~~Commercial Cannabis Activity at issue.

(S) CULTIVATION - Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of ~~cannabis~~Cannabis.

(T) CULTIVATION SITE - A location where ~~cannabis~~Cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(U) CUSTOMER - A natural person 21 years of age or over, or a natural person 18 years of age or older who possesses a physician's recommendation or a medical marijuana identification card.

(V) DAY CARE CENTER - The same meaning as in Cal. Health and Safety Code, Section 1596.76.

(W) DELIVERY - The commercial transfer of ~~cannabis~~Cannabis or ~~cannabis-products-to-a-customer~~Cannabis Products to a Customer. ~~DELIVERY~~Delivery also includes the use by a

retailer of any technology platform owned and controlled by the ~~retailer~~Retailer.

(X) DIRECTOR - The director of ~~consumer affairs~~the California Department of Consumer Affairs.

(Y) DISTRIBUTION - The procurement, sale, and transport of ~~cannabis~~Cannabis and ~~cannabis products~~Cannabis Products between licensees.

(Z) DISTRIBUTOR - A person holding a valid ~~commercial cannabis business permit~~Commercial Cannabis Business Permit for ~~distribution~~Distribution issued by the ~~City of Oxnard~~city, and, a valid ~~State~~state license for ~~distribution~~Distribution, required by ~~State~~state law to engage in the business of purchasing ~~cannabis~~Cannabis from a licensed cultivator, or ~~cannabis products~~Cannabis Products from a ~~license manufacturer~~licensed Manufacturer, for sale to a licensed ~~retailer~~Retailer.

(AA) DRIED FLOWER - All dead ~~cannabis~~Cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(BB) EDIBLE CANNABIS PRODUCT - Cannabis ~~product~~Product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Cal. Food and Agricultural Code, Division 15 (commencing with Section 32501). An ~~EDIBLE CANNABIS PRODUCT~~Edible Cannabis Product is not considered food, as defined by Cal. Health and Safety Code, Section 109935, or a drug, as defined by Cal Health and Safety Code, Section 109925.

(CC) FUND - The Cannabis Control Fund established pursuant to Cal. Bus. and Prof. Code, Section ~~26210.15~~26210.

(DD) GREENHOUSE - A fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for ~~cultivation~~Cultivation.

(EE) KIND - Applicable type or designation regarding a particular ~~cannabis~~Cannabis variant or ~~cannabis product~~Cannabis Product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(FF) LABELING - Any label or other written, printed, or graphic matter upon a ~~cannabis product~~Cannabis Product, upon its container.

(GG) LICENSE - A ~~State~~state license issued by the ~~State~~state and includes both an A-license and an M-license, as well as a ~~testing laboratory~~Testing Laboratory license.

(HH) LICENSEE - Any person holding a license under this article, regardless of whether the license held is an A-license or an M-license, and includes the holder of a ~~testing laboratory~~Testing Laboratory license.

(II) LICENSING AUTHORITY - The ~~City of Oxnard~~city and/or ~~State~~state agency responsible for the issuance, renewal, or reinstatement of the license, or the ~~City of Oxnard~~city and/or ~~State~~state agency authorized to take disciplinary action against the licensee.

(JJ) LIMITED-ACCESS AREA - An area in which cannabis is stored or held and is only accessible to ~~some~~a licensee ~~or permittee~~ and authorized personnel.

(KK) LIVE PLANTS - Living ~~cannabis~~Cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(LL) LOCAL JURISDICTION - A city, county or city and county.

(MM) LOCAL EQUITY APPLICANT – Applicant with at least forty percent (40%) Local Ownership. To remain a Local Equity Applicant, a minimum of 40% Local Ownership must be

maintained for the entire period of time in which a Local Equity Applicant has a Commercial Cannabis Business Permit. If an applicant does not obtain a Commercial Cannabis Business Permit based upon the local equity status, then that applicant shall not be deemed a Local Equity Applicant.

(NN) LOCAL OWNERSHIP -- Ownership interest(s) held by one or more natural persons who are a resident within the city's corporate boundaries as of the date the application is submitted and who maintain local residency at all times while their ownership interest(s) are used for qualifying as a Local Equity Applicant for one or more Commercial Cannabis Business Permits. Factors used to determine local residency shall include (as applicable) but are not limited to the following: ownership or rental of dwelling unit within the city's corporate boundaries that is the primary residence; California driver's license with a residential address within the city's corporate boundaries that is the primary residence; voter registration at a residential address within the city's corporate boundaries that is the primary residence; residential address within the city's corporate boundaries used for filing state and federal income tax returns that is the primary residence; and the natural person does not have a homestead exemption in any jurisdiction other than within the city's corporate boundaries. Local Ownership" is subject to ongoing verification under penalty of perjury.

(OO) LOT - A ~~batch~~Batch or a specifically identified portion of a ~~batch~~Batch.

(~~NN~~PP) M-LICENSE - A ~~State~~state license issued by the ~~State~~state for ~~commercial-cannabis-activity~~Commercial Cannabis Activity involving medicinal ~~eannabis~~Cannabis.

(~~OO~~QQ) M-LICENSEE - Any person holding a license by the ~~State~~state for ~~commereial-eannabis-activity~~Commercial Cannabis Activity involving medicinal cannabis.

(~~PP~~RR) MANUFACTURE - To compound, blend, extract, infuse, or otherwise make or prepare a ~~eannabis-product~~Cannabis Product.

(~~QQ~~SS) MANUFACTURED CANNABIS - Raw ~~eannabis~~Cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(~~RR~~TT) MANUFACTURER - A licensee that conducts the production, preparation, propagation, or compounding of ~~eannabis~~Cannabis or ~~eannabis-products~~Cannabis Products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages ~~eannabis~~Cannabis or ~~eannabis-products~~Cannabis Products or labels or container.

(~~SS~~UU) MANUFACTURING SITE - A location that produces, prepares, propagates, or compounds ~~eannabis~~Cannabis or ~~eannabis-products~~Cannabis Products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid ~~commercial-cannabis-business-permit-for-manufacturing~~Commercial Cannabis Business Permit for Manufacturing from the ~~City-of-Oxnard~~city and, a valid state license as required for ~~manufacturing-of-eannabis-products~~Manufacturing of Cannabis Products.

(~~TT~~VV) MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT - Cannabis or a ~~eannabis-product~~Cannabis Product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5, by a medicinal ~~eannabis~~Cannabis patient in California who possesses a physician's recommendation.

(~~UU~~WW) NONVOLATILE SOLVENT - Any solvent used in the extraction process that is not

a volatile solvent. For purposes of this article, a nonvolatile solvent includes carbon dioxide (CO₂) used for extraction and ethanol used for extraction or post-extraction processing.

(~~VVXX~~) NURSERY - A ~~licensee~~Licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and ~~cultivation~~Cultivation of ~~cannabis~~Cannabis.

(~~WWYY~~) OPERATION - Any act for which a license is required under the provisions of this article, or any commercial transfer of ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products.

(~~XXZZ~~) OWNER - Any of the following:

(1) A ~~person~~Person with an aggregate ownership interest of 20% or more in the ~~person~~Person applying for a license, Commercial Cannabis Business Permit or a ~~licensee~~Licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The manager of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the business applying for a license, or who has a financial interest in the business other than a fixed lease of real property.

(~~YYAAA~~) PACKAGE - Any container or receptacle used for holding ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products.

(~~ZZBBB~~) PATIENT or QUALIFIED PATIENT - The same definition as Cal. Health and Safety Code, Sections 11362.7 *et seq.*, as it may be amended, and which means a person who is entitled to the protections of Cal. Health and Safety Code, Section 11362.5.10.

(~~AAACCC~~) PERSON - Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(~~BBBDDD~~) PERSON WITH AN IDENTIFICATION CARD - The meaning given that term by Cal. Health and Safety Code, Section 11362.7.

(~~EEEEEE~~) PHYSICIAN'S RECOMMENDATION - A recommendation by a physician ~~and~~surgeon that a patient use ~~cannabis~~Cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5.

(~~DDDDFF~~) PREMISES - The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or ~~licensee~~Licensee where the ~~commercial-cannabis-activity~~Commercial Cannabis Activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-license and an A-license for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

(~~EEEGGG~~) PROCESSING - A ~~cultivation-site~~Cultivation Site that conducts only trimming, drying, curing, grading, packaging, or labeling of ~~cannabis~~Cannabis and nonmanufactured ~~cannabis-products~~Cannabis Products.

(~~FFFFHH~~) PURCHASER - The customer who is engaged in a transaction with a ~~licensee~~Licensee for purposes of obtaining cannabis or cannabis products.

(~~GGGIII~~) RETAILER - A ~~commercial-cannabis-business~~Commercial Cannabis Business facility where ~~cannabis, cannabis-products~~Cannabis, Cannabis Products, or devices for the use of ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products are offered, either individually or in any combination, for retail ~~sale~~Sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, ~~cannabis~~Cannabis and ~~cannabis-products~~Cannabis Products as part of a retail sale, and where the operator holds a valid ~~commercial-cannabis-business~~

~~permit~~Commercial Cannabis Business Permit from the ~~City of Oxnard~~city authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer. ~~Retail sales of cannabis and cannabis products are not allowed within the City of Oxnard.~~

(~~HHH~~JJJ) SELL, SALE, and TO SELL - Include any transaction whereby, for any consideration, title to ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products are transferred from one person to another, and includes the ~~delivery~~Delivery of ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products by a ~~licensee~~Licensee to the licensee from whom the ~~cannabis~~Cannabis or ~~cannabis-product~~Cannabis Product was purchased.

(~~HHK~~KKK) STATE LICENSE - A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in ~~commercial cannabis activity~~Commercial Cannabis Activity.

(~~JJJ~~LLL) TESTING LABORATORY - A laboratory, facility, or entity in the ~~State~~state that offers or performs tests of ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in ~~commercial cannabis activity~~Commercial Cannabis Activity in the ~~State~~state.

(2) Licensed by the State of California.

(~~KKK~~MMM) TOPICAL CANNABIS - A product intended for external application and/or absorption through the skin. A topical ~~cannabis-product~~Cannabis Product is not considered a drug as defined by Cal. Health and Safety Code, Section 109925.

(~~LLL~~NNN) TRANSPORT - The transfer of ~~cannabis-products~~Cannabis Products from the permitted business location of one ~~licensee~~Licensee to the permitted business location of another ~~licensee~~Licensee, for the purposes of conducting ~~commercial cannabis activity~~Commercial Cannabis Activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(~~MMM~~OOO) UNIQUE IDENTIFIER - An alphanumeric code or designation used for reference to a specific plant on a licensed premises and any ~~cannabis~~Cannabis or ~~cannabis-product~~Cannabis Product derived or manufactured from that plant.

(~~NNN~~PPP) VOLATILE SOLVENT - Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of ~~VOLATILE SOLVENTS~~volatile solvents include, but are not limited to, butane, hexane, and propane.

(~~OOO~~QQQ) YOUTH CENTER - Any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

A request for a cannabis employee permit will only be initiated after securing a favorable recommendation for a ~~cannabis-business-permit~~Commercial Cannabis Business Permit. If an ~~owner~~Owner has employees at the time of submittal of the ~~cannabis-business-permit~~Commercial Cannabis Business Permit application, a request for a cannabis employee permit can be initiated in advance of issuance of a discretionary land use permit.

(A) Any person who is an employee or who otherwise works within a ~~commercial-cannabis-business~~Commercial Cannabis Business must be legally authorized to do so under applicable State law.

(B) Any person who is an employee or who otherwise works within a ~~commercial-cannabis-business~~Commercial Cannabis Business must obtain a commercial cannabis employee work permit from the city prior to performing any work at any ~~commercial-cannabis-business~~Commercial Cannabis Business.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the city manager or his or her designee(s), and shall include, but not be limited to, the following information:

- (1) Name, address, and phone number of the applicant;
- (2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least 21 years of age must be submitted with the application;
- (3) Name, address of the ~~commercial-cannabis-business~~Commercial Cannabis Business where the person will be employed, and the name of the primary manager of that business;
- (4) A list of any crimes enumerated in Cal. Bus. and Prof. Code, Section 26057(b)(4) for which the applicant or employee has been convicted;
- (5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
- (6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the city manager or his or her designee(s);
- (7) A ~~signed~~ statement signed under penalty of perjury that the information provided is true and correct;
- (8) If applicable, verification that the applicant is a qualified patient or primary caregiver;
- (9) A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) (1) The applicable city department head or his or her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

- (a) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in Cal. Penal Code, Sections 186.11, 470, 484, and 504a, ~~respectively~~; or
- (b) Has committed a felony or misdemeanor involving fraud, deceit, or embezzlement; or
- (c) Was convicted of a violent felony, a crime of moral turpitude; or
- (d) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis

related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(2) Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (D)(1)(d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Cal. Penal Code, Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, or (ii) a conviction that was subsequently dismissed pursuant to Cal. Penal Code, Sections 1203.4, 1203.4a, or 1203.41 or any other provision of state law allowing for dismissal of a conviction.

(E) The applicable department head or his or her designee(s) shall issue the commercial cannabis employee permit or a written denial to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis employee work permit cannot be issued within this time period, then the city manager or his or her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the city manager or his or her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or his or her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) An employee work permit shall be valid for a 12-month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (B)(C) above including the payment of a renewal application fee in an amount to be set by resolution of the city council.

(G) In the event a person changes employment from one ~~commercial cannabis business~~ Commercial Cannabis Business in the city to another, the work permit holder shall notify the applicable department head or his or her designee(s) in writing of the change within ten days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any ~~commercial cannabis business~~ Commercial Cannabis Business in the city.

(H) The city may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in ~~subsections (C) and~~ subsection (D) above or if facts become known to the city that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

(I) The city manager or his or her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the city clerk within ten days of the date the applicant received the notice of denial; ~~which. The city manager or his/her designee shall hear such~~ appeal and his/her decision shall be ~~conducted as set forth in section 11.10.140 of this article~~ final and not subject to further appeals.

(K) The applicable city department head or his or her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SEC. 11-456. MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED (~~“CATEGORY”~~).

(A) The number of each type of ~~commercial cannabis business~~Commercial Cannabis Business that shall be permitted to operate in the city at any one time shall be as follows:

(1) Cannabis manufacturing - Maximum of eight at any one time, with up to three permits issued to Local Equity Applicants.

(2) Cannabis testing lab - Maximum of one at any one time.

(3) Cannabis distributor - Maximum of three at any one time, with up to one permit issued to a Local Equity Applicant.

(4) Cannabis retail - Maximum of 16 at any one time, with up to three permits issued to Local Equity Applicants.

(B) This section is only intended to create a maximum number of ~~commercial cannabis businesses~~Commercial Cannabis Businesses that may be issued permits to operate in the city under each category. Nothing in this article creates a mandate that the city council must issue any or all of the ~~commercial cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process or that the city council upon further deliberation determines that the issuance of any or all commercial cannabis business permits will impact the public safety, welfare or other policy concerns which may be detrimental in the issuance of these permits~~Commercial Cannabis Business Permits.

(C) Each year following the city manager’s initial award of ~~commercial cannabis business permits~~Commercial Cannabis Business Permits, if any, or at any time at the city council’s discretion, the city council may reassess the number of ~~commercial cannabis business permits~~Commercial Cannabis Business Permits which are authorized for issuance. The city council, at its discretion, may determine that the number of ~~commercial cannabis permits~~Commercial Cannabis Business Permits should remain the same; or be expanded.

SEC. 11-457. COMMERCIAL CANNABIS BUSINESS PERMIT; ~~INITIAL~~ APPLICATION PROCEDURE.

(A) The city manager or his or her designee shall adopt ~~the~~ procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any ~~commercial cannabis business permit~~Commercial Cannabis Business Permit(s), which shall include or require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria (“review criteria”). The city manager or his or her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the city manager or his or her designee(s) will make a final determination in accordance with this section and shall either deny or approve the final candidates and shall select the top candidates in each category of the Commercial Cannabis Businesses. Notwithstanding anything in this article to the contrary, the city manager’s decision as to the selection of the prevailing candidates shall be final and shall not

be subject to appeal.

~~—(D)~~

(D) Official issuance of the Commercial Cannabis Business Permit(s) is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the city manager's selection of the Person who shall be issued a Commercial Cannabis Business Permit, the prevailing candidate(s) shall apply to the city's Community Development Department to obtain required land use approvals or entitlements for the permittee's location and use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act. The city council shall formally issue the Commercial Cannabis Business Permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.

(E) Issuance of a Commercial Cannabis Business Permit does not create a land use entitlement. The Commercial Cannabis Business Permit shall only be for a term of 12 months and shall expire at the end of the 12-month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a Commercial Cannabis Business Permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.

(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a Commercial Cannabis Business Permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each person granted a Commercial Cannabis Business Permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the Commercial Cannabis Business Permit program created in this article.

(I) Preservation of rights. The city reserves the right to reject any or all applications. Prior to permit issuance by the City Council, the city may also modify, postpone, or cancel any request for applications, or the entire program under this article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California State law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to ~~any other justification provided a possible reject for~~ failure to comply with other requirements in this article, an ~~application risk~~ applicant also risks being rejected ~~or for~~ any of the following reasons:

- (1) Proposal received after designated time and date.
- (2) Proposal not containing the required elements, exhibits, nor organized in the required format.
- (3) Proposal considered not fully responsive to ~~this~~the request for permit application.

SEC. 11-458. ~~PERSONNEL~~PERSONS PROHIBITED FROM HOLDING A LICENSE OR

EMPLOYEE WORK PERMIT.

Any ~~person, including but not limited to any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular in which~~ Person who has been issued any of the following actions or notices ~~have been issued in for~~ non-compliance, shall be prohibited from holding a ~~cannabis commercial license or employee work permit in the City of Oxnard. In addition, the following shall be~~ Commercial Cannabis Business Permit in the city, with such actions or notices also grounds for denial of a ~~local license or employee work permit~~ Commercial Cannabis Business Permit:

(A) The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other ~~State~~ state cannabis licensing authority;

(B) The applicant was notified that they were conducting ~~commercial cannabis activity~~ Commercial Cannabis Activity in non-compliance with this chapter 11 or other ~~City of Oxnard city~~ ordinances, codes and or requirements in which they failed to discontinued operating in a timely manner;

(C) Evidence that the applicant was in non-compliance of properly paying federal, ~~State~~ state or local taxes and/or fees when notified by the appropriate agencies;

(D) ~~As of June 18, 2019, The~~ applicant was conducting ~~commercial cannabis activity~~ Commercial Cannabis Activity in the ~~City of Oxnard city~~ in violation of local and ~~State~~ state law;

~~—(E) No person shall be issued a commercial cannabis permit to operate who enters into an agreement to lease, sublease or any other agreement, regardless of whether it is verbally or in writing to any terms of use of the premises from a property owner, commercial broker or any third party, that is in violation of Section 11.10.100 unless that property is leased at fair market value and such lease, sublease or agreement does not have any terms or conditions for the cannabis permit licensee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.~~

SEC. 11-459. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS.

Each ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit issued pursuant to this article shall expire 12 months after the date of its issuance. Commercial ~~cannabis permits~~ Cannabis Business Permits may be renewed as provided in section 11-461.

SEC. 11-460. REVOCATION OF PERMITS.

Commercial ~~cannabis business permits~~ Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted ~~pursuant to sections 11-461, 11-462, 11-468, or 11-477~~ pursuant to any policy, procedure or regulation in this article.

SEC. 11-461. RENEWAL APPLICATIONS.

(A) An application for renewal of a ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit shall be filed at least 60 calendar days prior to the expiration date of the current

permit.

(B) The renewal application shall contain all the information required for new applications.

(C) The applicant shall pay a fee in an amount to be set by the city council to cover the costs of processing the renewal permit application, together with any costs incurred by the city to administer the program created under this article.

(D) An application for renewal of a ~~commercial cannabis business permit shall~~ Commercial Cannabis Business Permit may be rejected if any of the following exists:

(1) The application is filed less than 60 days before its expiration.

(2) The ~~commercial cannabis business~~ Commercial Cannabis Business permit is suspended or revoked at the time of the application.

(3) The ~~commercial cannabis business~~ Commercial Cannabis Business has not been in regular and continuous operation in the four months prior to the renewal application.

(4) The ~~commercial cannabis business~~ Commercial Cannabis Business has failed to conform to the requirements of this article, or of any regulations adopted pursuant to this article.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the city or ~~State~~ state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this article, of the city ordinance, or of the ~~State~~ state rules and regulations, and the city or ~~State~~ state has determined that the violation is grounds for termination or revocation of the ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit.

(E) The city manager or his ~~or~~ /her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or his or her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with ~~State~~ state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or his or her designee(s) shall be handled pursuant to ~~the provisions of this article~~ Sections 11-464 to 11-465.

(F) If a renewal application is rejected, a person may file a new application pursuant to this article no sooner than one year from the date of the rejection.

SEC. 11-462. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

Suspension of a license issued by the ~~State of California~~ state, or by any of its departments or divisions, shall immediately suspend the ability of a ~~commercial cannabis business~~ Commercial Cannabis Business to operate within the city, until the ~~State of California~~ state, or its respective department or division, reinstates or reissues the ~~State~~ state license. Should the ~~State of California~~ state, or any of its departments or divisions, revoke or terminate the license of a ~~commercial cannabis business~~ Commercial Cannabis Business, such revocation or termination shall also revoke or terminate the ability of a ~~commercial cannabis business~~ Commercial Cannabis Business to operate within the ~~City of Oxnard~~ city.

SEC. 11-463. APPEALS.

Unless specifically provided elsewhere to the contrary, whenever an appeal is specifically provided for in this article ~~from a decision of the city manager or his or her designee(s)~~, the appeal shall be conducted as prescribed in this article.

SEC. 11-464. WRITTEN REQUEST FOR APPEAL.

(A) Within ten calendar days after the date of a decision of the city manager or his or her designee(s) to revoke, or suspend ~~or deny a permit~~, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(B) Within ten calendar days after the date of a decision of the Planning Commission pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(B) At the time of filing, the appellant shall pay the designated appeal fee in an amount, established by resolution of the city council ~~from time to time~~.

SEC. 11-465. APPEAL HEARING.

(A) Upon receipt of the written appeal ~~of a decision rendered by the city manager regarding application review ranking~~ pursuant to Section 11-464, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.

(B) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.

~~—(D)— The decision of the city council shall be final for an appeal of a planning commission action. The decision of the planning commission shall be final for an appeal of the community development director's decision.~~

~~SEC. 11-466. COMMERCIAL CANNABIS BUSINESS PERMIT SELECTION PROCESS.~~

~~—(A)— The city manager shall adopt a procedure guideline and review criteria by which the top applicants in each category of each commercial cannabis business shall be evaluated.~~

~~—(B)— At least ten days prior to the public hearing, notice of the public hearing shall be sent to all property owners located within 600 feet of the proposed business locations of each of the finalists to be considered by the planning commission or community development director depending upon the cannabis permit being sought.~~

~~—(C)— Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the city manager's selection of individual/company who shall be issued a commercial cannabis business permit, the prevailing candidate(s) shall apply to the city's community development department to obtain the required land use approvals or entitlements for the permittee's location, if any. Land use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act (CEQA). The city council shall formally issue the commercial cannabis business-~~

~~permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.~~

~~—(D) The city manager shall either deny or approve the final candidates and shall select the top candidates in each category of the commercial cannabis businesses. The city manager's decision as to the selection of the prevailing candidates shall be final.~~

~~—(E) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of 12 months and shall expire at the end of the 12-month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.~~

~~—(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if it determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.~~

~~—(G) If an application is denied, a new application may not be filed for one year from the date of the denial.~~

~~—(H) Each person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the commercial cannabis business permit program created in this article.~~

SEC. 11-466. APPEAL FROM DECISION OF COMMUNITY DEVELOPMENT DIRECTOR

(A) Within ten calendar days after the date of a decision of the community developer director pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. At the time of filing, the appellant shall pay the designated appeal fee, established by resolution of the city council.

(B) Upon receipt of the written appeal pursuant to subsection (A), the city clerk shall set the matter for a hearing before the Planning Commission. The Planning Commission shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the Planning Commission shall be final.

SEC. 11-467. CHANGE IN LOCATION; UPDATED REGISTRATION FORM.

Any time the ~~manufacturing, transportation and distribution~~ location of the Commercial Cannabis Business or retailer specified in the regulatory permit is proposed to be changed, the

applicant shall be required to first secure a new ~~cannabis-business-permit~~Commercial Cannabis Business Permit, and discretionary land use ~~approval~~permit for the new location before moving to that location, with such approvals subject to terminating the Commercial Cannabis Business Permit at the existing location so there is no net increase in the number of Cannabis Business Permits issued within the City. The process and the fees shall be the same as for a new facility and in accordance with the regulations specified in this article. No proposed change in location shall be considered until such time as the original location has first been opened for business for a minimum of one (1) year consistent with the requirement of the city's regulations.

SEC. 11-468. TRANSFER OF CANNABIS BUSINESS PERMIT.

(A) The ~~owner~~holder of a ~~cannabis-business-permit~~Cannabis Business Permit shall not transfer ownership or control of the permit to another ~~person or entity~~Person unless and until the transferee obtains an amendment to the permit from the city manager or his or her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or his or her designee in accordance with all provisions of this article (as though the transferee were applying for an original ~~cannabis-business-permit~~Cannabis Business Permit) accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee), and the city manager or his or her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this article. The decision of the city manager is final.

(B) Commercial ~~cannabis-business-permits~~Cannabis Business Permits issued through the grant of a transfer by the city manager or his or her designee shall be valid for a period of one year beginning on the day the city manager or his or her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this article.

(C) Changes in ownership of a permittee business structure or a substantial change in the ownership of a permittee business entity (i.e., changes that result in a cumulative change of more than 51% of the original ownership) must be approved by the city manager or his or her designee through the transfer process contained in subsection (A). Failure to comply with this provision is grounds for permit revocation.

(D) (1) A permittee may change the form of business entity without applying to the city manager or his or her designee for a transfer of permit, provided that either:

(a) The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or

(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA ~~and to comply with section 5.10.060, subdivision (b)~~, provided that the ~~board~~Board of ~~directors~~Directors (or in the case of an unincorporated association, the individual(s) listed on the ~~city~~City permit application) of the original permittee entity are the same as the new business entity.

(2) Although a transfer is not required in these two circumstances, the permit holder is required to notify the city manager in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit may be transferred when the city manager or his or her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(G) Notwithstanding any language in this section to the contrary, no transfer of a local equity ownership interest in a business that obtained its Commercial Cannabis Business Permit as a Local Equity Applicant shall be allowed if such proposed transfer would reduce the local equity interest in the Commercial Cannabis Business to a level below that required for a Local Equity Applicant.

SEC. 11-469. CITY BUSINESS ~~LICENSE~~ TAX CERTIFICATE.

Prior to commencing operations, a ~~commercial cannabis business~~ Commercial Cannabis Business shall obtain a City of Oxnard business tax certificate, pursuant to ~~article~~ Article I.

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

Prior to commencing operations, a ~~commercial cannabis business~~ Commercial Cannabis Business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the fire department approvals, health department approvals and other zoning and discretionary land use permit(s) and approvals.

SEC. 11-471. CERTIFICATION FROM THE COMMUNITY DEVELOPMENT DIRECTOR.

Prior to submittal of a ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit application, a certification from the community development director or his or her designee(s) certifying that the business is located on a site that meets all of the requirements of chapter 16 and this article shall be obtained. A fee shall be established by city council resolution for submittal and processing of this certification.

SEC. 11-472. RIGHT TO OCCUPY AND TO USE PROPERTY.

(A) As a condition precedent to the city's issuance of a ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit pursuant to this article, any person intending to open and to operate a ~~commercial cannabis business~~ Commercial Cannabis Business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the

property owner has read this article and consents to the operation of the ~~commercial cannabis business~~ Commercial Cannabis Business on the owner's property.

(B) The lease, sublease or other agreement to occupy the property must be at fair market value and not have any terms or conditions for the permittee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

SEC. 11-473. LOCATION AND DESIGN OF CANNABIS BUSINESSES.

Specific types of Commercial Cannabis ~~businesses permitted to engage in manufacturing, testing, or distribution of cannabis and cannabis products~~ Businesses are subject to the following zoning and locational requirements:

(A) All ~~cannabis~~ Cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this article. Manufacturing, testing, and distribution facilities are conceptually permitted on property ~~must be located on property~~-zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP), as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements, ~~and input from the business park association (if operational)~~: Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(B) All ~~cannabis~~ Cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this subsection (B). ~~Retail dispensaries~~ Retailers are conceptually permitted in property zoned neighborhood shopping center (C-1), neighborhood shopping center planned development (C-1-PD), general commercial (C-2), ~~or general commercial~~, planned development (C-2-PD), Coastal Neighborhood Commercial (CNC), and commercial planned development (CPD), business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements, ~~and input from the business park association (if operational)~~: RiverPark - commercial office, commercial convention, and commercial regional; Sakioka Farms; and Camino Real Business Park.

(C) Compliance with any specific plan requirements, ~~including a letter of support from the specific plan management company or association.~~

(D) The property on which any ~~commercial cannabis business~~ Commercial Cannabis Business is located must also meet all of the following distance requirements:

(1) It shall be no closer than 600 feet of any of the following:

(a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(2) The distance specified in this ~~section~~subsection shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(E) Each proposed ~~cannabis manufacturing, testing, and distribution~~Commercial Cannabis Business use shall:

(1) Conform with the city's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection (sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.

SEC. 11-474. LIMITATIONS ON CITY'S LIABILITY.

To the fullest extent permitted by law, the ~~City of Oxnard~~city shall not assume any liability whatsoever with respect to having issued a ~~commercial cannabis business permit~~Commercial Cannabis Business Permit pursuant to this article or otherwise approving the operation of any ~~commercial cannabis business~~Commercial Cannabis Business. As a condition to the approval of any ~~commercial cannabis business permit~~Commercial Cannabis Business Permit, the applicant shall be required to meet all of the following conditions before they can receive the ~~commercial cannabis business permit~~Commercial Cannabis Business Permit:

(A) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the ~~City of Oxnard~~city and its officers, officials, employees, representatives, and agents harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the city's issuance of the ~~commercial cannabis business permit~~Commercial Cannabis Business Permit, the city's decision to approve the operation of the ~~commercial cannabis business~~Commercial Cannabis Business or activity, the process used by the city in making its decision, or the alleged violation of any federal, ~~State~~state or local laws by the ~~commercial cannabis business~~Commercial Cannabis Business or any of its officers, employees or agents.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager.

(C) Reimburse the ~~City of Oxnard~~city for all costs and expenses, including but not limited to legal fees and costs and court costs, which the ~~City of Oxnard~~city may be required to pay as a result of any legal challenge related to the city's approval of the applicant's ~~commercial cannabis business permit~~Commercial Cannabis Business Permit, or related to the city's approval of a ~~commercial cannabis activity~~Commercial Cannabis Activity. The ~~City of Oxnard~~city may, at its

sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

SEC. 11-475. ~~RIGHT TO OCCUPY AND USE A PROPERTY.~~ [RESERVED]

~~—As a condition precedent to the city's issuance of a commercial cannabis permit, any person intending to open and to operate a cannabis manufacturing, testing, or distribution facility shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner has read this article and consents to the operation of the use on the owner's property.~~

SEC. 11-476. RECORDS AND RECORDKEEPING.

(A) Each owner and operator of a ~~commercial cannabis business~~ Commercial Cannabis Business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a ~~commercial cannabis business permit~~ Commercial Cannabis Business Permit issued pursuant to this article), or at any time upon reasonable request of the city, each ~~commercial cannabis business~~ Commercial Cannabis Business shall file a sworn statement detailing the number of sales by the ~~commercial cannabis business~~ Commercial Cannabis Business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or his or her designee(s).

(B) Each owner and operator of a ~~commercial cannabis business~~ Commercial Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the ~~commercial cannabis business~~ Commercial Cannabis Business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the ~~commercial cannabis business~~ Commercial Cannabis Business. The register required by this paragraph shall be provided to the city manager or his or her designee(s) upon a reasonable request.

(C) ~~—Prior to state licensing, each commercial cannabis business shall maintain a record of all persons, patients, collectives and primary caregivers served by the commercial cannabis business, for a period of no less than four years. Once a state license is obtained, the commercial cannabis business must maintain such records only to the extent permitted or required by MAUCRSA.~~

—(D) All ~~commercial cannabis businesses~~ Commercial Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth

MAUCRSA.

(~~E~~D) Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall allow the ~~City of Oxnard officials~~city to have access to the businesses books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than 24 hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SEC. 11-477. OPERATIONAL STANDARDS.

(A) A permitted ~~commercial-cannabis-business~~Commercial Cannabis Business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the ~~commercial-cannabis-business~~Commercial Cannabis Business. Except as may otherwise be determined by the city manager or his or her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the best practices identified in the guidelines for issuance of a ~~cannabis-business-permit~~Cannabis Business Permit and/or conditions imposed as part of the discretionary land use permit approval:

- (1) Alarm system (perimeter, fire, and panic buttons).
- (2) Remote monitoring of alarm systems by licensed security professionals and first responders (Knox box, etc.).
- (3) Perimeter lighting systems (including motion sensors) for after-hours security.
- (4) Perimeter security and lighting as approved by the police chief, community development department or his or her designee.
- (5) Preventing individuals from remaining on the premises of the ~~commercial-cannabis-business~~Commercial Cannabis Business if they are not engaging in an activity directly related to the permitted operations of the ~~commercial-cannabis-business~~Commercial Cannabis Business.
- (6) Establishing limited access areas accessible only to authorized ~~commercial-cannabis-business~~Commercial Cannabis Business personnel.
- (7) Plan for cash handling as relevant to manufacturing, testing, and distribution operations.
- (8) Except for live growing plants which are being cultivated at a cultivation facility, all ~~cannabis~~Cannabis and ~~cannabis-products~~Cannabis Products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
- (9) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the ~~commercial-cannabis-business~~Commercial Cannabis Business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weatherproof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The ~~commercial-cannabis-business~~Commercial Cannabis Business shall be responsible for ensuring that the security surveillance camera's footage is

remotely accessible by the city manager or his or her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the city manager or his or her designee(s). Video recordings shall be maintained for a minimum of 90 days and shall be made available to the city manager or his or her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the ~~commercial-cannabis-business~~Commercial Cannabis Business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Oxnard police department by the ~~commercial-cannabis-business~~Commercial Cannabis Business, to facilitate remote monitoring of security cameras by the department or its designee.

(10) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(11) Panic buttons shall be installed in all ~~commercial-cannabis-businesses~~Commercial Cannabis Businesses with direct notification to Oxnard police department dispatch, and shall be configured to immediately alert dispatch for the Oxnard police department.

(12) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(13) Any bars installed on the windows or the doors of the ~~commercial-cannabis-business~~Commercial Cannabis Business shall be installed only on the interior of the building.

(14) Security personnel shall monitor premises in accordance with a security plan as authorized by the city manager or his or her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his or her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the police chief.

(15) Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(16) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the ~~commercial-cannabis-business~~Commercial Cannabis Business; or (b) a licensed security professional.

(17) Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(18) Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall demonstrate to the police chief, city manager or their designees compliance with the ~~State~~state's track and trace system for ~~cannabis~~Cannabis and ~~cannabis-products~~Cannabis Products, as soon as it is operational.

(19) Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

(20) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(B) Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall identify a

designated security representative/liaison to the ~~City of Oxnard~~city, who shall be reasonably available to meet with the city manager or his or her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the ~~commercial cannabis business~~Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or his or her designee upon request that meets the following requirements:

(1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

(2) Identifies all managers of the ~~commercial cannabis business~~Commercial Cannabis Business and their contact phone numbers.

(3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

(4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(5) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the ~~commercial cannabis business~~Commercial Cannabis Business, the parking lot, and any adjacent property under the business's control.

(6) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

(C) As part of the application and permitting process, each ~~commercial cannabis business~~Commercial Cannabis Business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(D) The ~~commercial cannabis business~~Commercial Cannabis Business shall cooperate with the city whenever the city manager or his or her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this article. Prevention fire inspectors shall be allowed access to audit buildings for fire life safety concerns on a yearly basis or as determined necessary per the fire marshal.

(E) A ~~commercial cannabis business~~Commercial Cannabis Business shall notify the city manager or his or her designee(s) within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or his or her designee(s).

(2) Diversion, theft, loss, or any criminal activity involving the ~~commercial cannabis business~~Commercial Cannabis Business or any agent or employee of the ~~commercial cannabis business~~Commercial Cannabis Business.

(3) The loss or unauthorized alteration of records related to ~~cannabis~~Cannabis, customers or employees or agents of the ~~commercial cannabis business~~Commercial Cannabis Business.

(4) Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the city manager or his or her designee prior to commencing business operations. The city manager or his or her designee may supplement these security requirements once operations begin, subject to review by the city manager if requested by the business owner.

SEC. 11-478. RESTRICTION ON ALCOHOL AND TOBACCO SALES.

(A) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the ~~commercial-cannabis-business~~Commercial Cannabis Business.

(B) No person shall cause or permit the sale ~~or~~of tobacco products on or about the premises of the ~~commercial-cannabis-business~~Commercial Cannabis Business.

SEC. 11-479. FEES AND CHARGES.

(A) No person may commence or continue any ~~commercial-cannabis-activity~~Commercial Cannabis Activity in the city without timely paying in full all fees and charges required for the operation of a ~~commercial-cannabis-activity~~Commercial Cannabis Activity. Fees and charges associated with the operation of a ~~commercial-cannabis-activity~~Commercial Cannabis Activity shall be established by resolution of the city council which may be amended from time to time.

(B) All ~~commercial-cannabis-businesses~~Commercial Cannabis Businesses authorized to operate under this article shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, ~~State~~state and local law. Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall cooperate with the city with respect to any reasonable request to audit the ~~commercial-cannabis-business~~Commercial Cannabis Business's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the city and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational agreement with the city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this article, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

(A) Commercial ~~cannabis-businesses~~Cannabis Businesses may operate only during the hours specified in the ~~commercial-cannabis-business-permit~~Commercial Cannabis Business Permit issued by the city and/or as determined within the discretionary land use permit.

(B) Restriction on consumption - Cannabis shall not be consumed by any employee on the premises of any ~~commercial-cannabis-business~~Commercial Cannabis Business.

(C) No ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products or graphics depicting ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products shall be visible from the exterior of any property issued a ~~commercial-cannabis-business-permit~~Commercial Cannabis Business Permit, or on any of the vehicles owned or used as part of the ~~commercial-cannabis-business~~Commercial Cannabis Business. No outdoor storage of ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products is permitted at any time.

(D) Reporting and tracking of product and of gross sales - Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the ~~commercial-cannabis-business~~Commercial Cannabis Business including, but not limited to, such matters as

~~eannabis~~Cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The ~~commercial-cannabis-business~~Commercial Cannabis Business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager or his or her designee(s) prior to being used by the permittee.

(E) All ~~eannabis~~Cannabis and ~~eannabis-products~~Cannabis Products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the ~~State~~state and local regulations.

(F) Emergency contact and emergency response plan - Each ~~commercial-cannabis-business~~Commercial Cannabis Business shall provide the city manager or his or her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each ~~commercial-cannabis-business~~Commercial Cannabis Business must have a fire evacuation plans, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved by the fire and police chiefs or designee.

(G) Signage and notices -

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a ~~commercial-cannabis-business~~Commercial Cannabis Business shall conform to the requirements of the ~~City of Oxnard~~city regulations, including, but not limited to, seeking the issuance of a city sign permit.

(2) No signs placed on the premises of a ~~commercial-cannabis-business~~Commercial Cannabis Business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a ~~commercial-cannabis-business~~Commercial Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the ~~commercial-cannabis-business~~Commercial Cannabis Business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No ~~commercial-cannabis-business~~Commercial Cannabis Business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the ~~commercial-cannabis-business~~Commercial Cannabis Business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

(H) Minors -

(1) Persons under the age of 21 years shall not be allowed on the premises of a ~~commercial-cannabis-business~~Commercial Cannabis Business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this article for any person to employ any person at a ~~commercial-cannabis-business~~Commercial Cannabis Business who is not at least 21 years of age.

(2) The entrance to the ~~commercial-cannabis-business~~Commercial Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the ~~commercial-cannabis-business~~Commercial Cannabis Business.

(I) Odor control - Odor control devices and techniques shall be incorporated in all ~~commercial-cannabis-businesses~~Commercial Cannabis Businesses to ensure that odors from ~~eannabis~~Cannabis

are not detectable off-site. Commercial ~~cannabis businesses~~Cannabis Businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the ~~commercial cannabis business~~Commercial Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the ~~commercial cannabis business~~. ~~As such, commercial cannabis businesses~~Commercial Cannabis Business. ~~As such, Commercial Cannabis Businesses~~ must install and maintain the following equipment, or any other equipment which the community development director or his or her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the ~~commercial cannabis businesses~~Commercial Cannabis Businesses interior and exterior, so that the odors generated inside the ~~commercial cannabis business~~Commercial Cannabis Business are not detectable on the outside of the ~~commercial cannabis business~~Commercial Cannabis Business.

(J) Display of permit and city business ~~license~~tax certificate - The original copy of the ~~commercial cannabis business permit~~Commercial Cannabis Business Permit issued by the city pursuant to this article and the city issued business license shall be posted inside the ~~commercial cannabis business~~Commercial Cannabis Business in a location readily-visible to the public.

(K) Background check - Pursuant to Cal. Penal Code, Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a ~~commercial cannabis business~~Commercial Cannabis Business must submit fingerprints and other information deemed necessary by the police chief or his or her designee(s) for a background check by the City of Oxnard police department. Pursuant to Cal. Penal Code, Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. ~~No, no~~ person shall be issued a permit to operate a ~~commercial cannabis business~~Commercial Cannabis Business or a related work permit unless they have first cleared the background check, as determined by the police chief or his or her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the ~~City of Oxnard~~city to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a ~~commercial cannabis business permit~~Commercial Cannabis Business Permit is submitted.

(L) Loitering - The ~~owner~~Owner and/or operator of a ~~commercial cannabis business~~Commercial Cannabis Business shall prohibit loitering by persons outside the facility both on the premises and within 50 feet of the premises.

~~—(M) Permits and other approvals—Prior to the establishment of any commercial cannabis business or the operation of any such business, the person intending to establish a commercial cannabis business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such commercial cannabis business intends to establish and to operate.~~

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

The city manager or his or her designee may develop other ~~commercial cannabis-business~~Commercial Cannabis Business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

SEC. 11-482. OPERATING REQUIREMENTS FOR TESTING LABS.

(A) Testing ~~labs~~Laboratories shall be required to conduct all testing in a manner pursuant to Cal. Bus. and Prof. Code, Section 26100 and shall be subject to ~~State~~state and local law. Each ~~testing lab~~Testing Laboratory shall be subject to additional regulations as determined from time to time as more regulations are developed under this article and any subsequent ~~State of California~~state legislation regarding the same.

(B) Testing ~~labs~~Laboratories shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.

(C) All ~~cannabis testing laboratories~~Cannabis Testing Laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.

(D) Testing ~~labs~~Laboratories shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Bureau of Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Bureau of Cannabis Control.

(E) Each operator shall ensure that a ~~testing laboratory~~Testing Laboratory employee takes the sample of ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products from the distributor's premises for testing required by ~~State~~state law and that the ~~testing laboratory~~Testing Laboratory employee transports the sample to the ~~testing laboratory~~Testing Laboratory.

(F) Except as provided by ~~State~~state law, a ~~testing laboratory~~Testing Laboratory shall not acquire or receive ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products except from a licensee in accordance with ~~State~~state law, and shall not distribute, sell, or dispense ~~cannabis~~Cannabis, or ~~cannabis products~~Cannabis Products, from the licensed premises from which the ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A ~~testing laboratory~~Testing Laboratory may receive and test samples of ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for ~~cannabis~~Cannabis for medicinal purpose. A ~~testing lab~~Testing Laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products received.

(H) Approval of ~~testing labs~~Testing Laboratories shall be through approval of a development design review (DDR) permit to be issued by the community development director of the ~~City of~~

~~Oxnard~~city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

(A) A ~~distributor~~Distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a ~~distributor~~Distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, ~~NON-CANNABIS GOODS~~non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Cal. Code of Regulations, Section 5000~~(e)~~.

(B) After taking physical possession of a ~~cannabis~~Cannabis goods batch, the ~~distributor~~Distributor shall contact a ~~testing laboratory~~Testing Laboratory and arrange for a laboratory employee to come to the ~~distributor~~Distributor's licensed premises to select a representative sample for laboratory testing.

(C) A ~~distributor~~Distributor shall ensure that all ~~cannabis~~Cannabis goods batches are stored separately and distinctly from other ~~cannabis~~Cannabis goods batches on the ~~distributor~~Distributor's premises.

(D) The ~~distributor~~Distributor shall ensure that the batch size from which the sample is taken meets the requirements of ~~State~~state law, specifically the testing provisions within the California Code of Regulations.

(E) A ~~distributor~~Distributor or an employee of the ~~distributor~~Distributor shall be physically present to observe the laboratory employee obtain the sample of ~~cannabis~~Cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the recording kept available to ~~State~~state and local authorities for a minimum of 180 days, pursuant to Title 16, Cal. Code of Regulations, Section 5305.

(F) A ~~distributor~~Distributor shall not transport ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products to a licensed retail facility until and unless it has verified that the ~~cannabis~~Cannabis or ~~cannabis-products~~Cannabis Products have been tested and certified by a ~~testing lab~~Testing Laboratory as being in compliance with state health and safety requirements pursuant to Title 16, Cal. Code of Regulations, Sections 5705, 5710 and 5714~~-of Title 16~~.

(G) Approving of ~~distributor~~Distributor shall be through the approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-484. OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING: EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS.

(A) Cannabis manufacturing facilities requiring a type-6, type-7, type S, or any subsequent created ~~manufacturing State~~Manufacturing state license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in the ~~City of Oxnard~~city code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the ~~City of Oxnard~~city in containers that exceeds the amount which is approved by the Oxnard fire department and authorized by the regulatory permit. Each site or parcel subject to a ~~commercial cannabis business permit~~Commercial Cannabis Business Permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard fire department.

(C) Cannabis ~~manufacturing~~Manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least 99% purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) If an extraction process uses a professional grade closed loop CO₂ gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO₂ must be of at least 99% purity.

(E) Closed loop systems for compressed gas extraction systems must be used and must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the ~~State of California~~state, or from a ~~State~~state certified professional engineer or state certified industrial hygienist from another state, must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

- (1) The American Society of Mechanical Engineers (ASME);
- (2) American National Standards Institute (ANSI);
- (3) Underwriters Laboratories (UL); or
- (4) The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Oxnard fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

(I) Cannabis ~~manufacturing~~Manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(J) Cannabis ~~manufacturing~~Manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(K) Cannabis ~~manufacturing~~Manufacturing facilities creating ~~cannabis~~Cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(L) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(M) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(N) Approval of manufacturing facilities shall be through approval of a development design review (DDR) permit to be issued by the community development director of the ~~City of Oxnard~~city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-485. OPERATING REQUIREMENTS FOR STORE FRONT/RETAIL FACILITIES.

(A) No more than the number of cannabis retailers authorized by section 11-456 shall operate within the ~~City of Oxnard~~city at any one time.

(B) Approval of retail dispensaries shall be through approval of a special use permit to be issued by the ~~planning commission~~Planning Commission. The appeal of the approval or denial of such special use permit shall be to the City Council pursuant to Sections 14-464 and 11-465.

(C) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and ~~and/or Cal. Health and Safety Code, Section 11362.71 identification card~~ (state-issued medical marijuana card). Persons 18 to 20 years old who are unable to produce either form of medical documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products.

(D) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification, and, in the case of medical cannabis facilities, their physician's recommendation, or a cannabis card issued pursuant to Cal. Health and Safety Code, Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point of sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the police chief.

(F) Retailers may have only that quantity of ~~cannabis~~Cannabis and ~~cannabis products~~Cannabis Products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(G) All restroom facilities shall remain locked and under the control of management.

(H) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this subsection.

(1) The sale and delivery of ~~cannabis~~Cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which

~~eannabis~~Cannabis goods are sold to persons within or about a motor vehicle.

(3) No ~~eannabis-goods~~Cannabis shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All ~~eannabis~~Cannabis goods sold by a ~~retail-business~~Retailer shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where ~~eannabis~~Cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling ~~eannabis~~Cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Cal. Bus. and Prof. Code, Chapters 11.4 and 11.5 of Division 3.

(I) Access to retailer premises -

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding subsection (I)(1) above, individuals who are at least 18 years of age and in possession of a valid physician's recommendation or state-issued medical marijuana card shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

(J) Authorized sales - A retailer shall only sell adult-use ~~eannabis~~Cannabis and adult-use ~~eannabis-products~~Cannabis Products to individuals who are at least 21 years of age. A retailer shall only sell medicinal ~~eannabis~~Cannabis or medicinal ~~eannabis-products~~Cannabis Products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(K) Limited access areas - A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the police chief or the development services director upon request.

(L) Operating hours of the store front retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(M) Parking requirements shall be in accordance with ~~chapter 16, article X of~~ the Oxnard ~~city-code~~City Code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study.

(N) *Store front/retail security requirements.* All security measures required by section 11-477 (operational standards) are directly applicable to and binding on all ~~commercial-eannabis-businesses~~Commercial Cannabis Businesses, including all ~~store front/retail-businesses~~Retailers.

SEC. 11-486. OPERATING REQUIREMENTS FOR ~~NON-STORE FRONT RETAILER.~~RETAILERS

(A) ~~Non-store front retailer (Retailers that provide delivery) license owners and operators~~ are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of 18 years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

~~(B) All store front retailers, non-store front retailers (delivery) that conduct deliveries into or within the City of Oxnard shall be required to obtain a permit from the City of Oxnard in order to conduct retail sales regardless if they are located in the city or another local jurisdiction.~~

~~(C)~~ Operating hours of the non-store front ~~retailer license~~Retailer shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

~~(DC)~~ The ~~commercial~~ non-store front ~~retailer~~Retailer shall only sell cannabis or cannabis products to a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses a physician's recommendation for cannabis medical use only, or a cannabis card issued pursuant to Cal. Health and Safety Code, Section 11362.71.

~~(ED)~~ The ~~commercial cannabis~~ non-store front ~~retailer~~Retailer may only have on-site that quantity of ~~cannabis~~Cannabis and ~~cannabis products~~Cannabis Products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

SEC. 11-487. NON-STORE FRONT RETAILER VEHICLE REQUIREMENTS.

Prior to commencing operations, a ~~cannabis~~ non-store front ~~retailer~~Retailer shall provide the following information to the city.

(A) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver ~~cannabis~~Cannabis or ~~cannabis products~~Cannabis Products.

(B) The year, make, model, color, license plate number, and vehicle identification number (VIN) for any and all vehicles that will be used to deliver ~~cannabis goods~~Cannabis or Cannabis Products.

(C) Proof of insurance as required in section 11-474 (B) for any and all vehicles being used to deliver ~~cannabis goods~~Cannabis or Cannabis Products.

(D) The licensee shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver ~~cannabis goods~~Cannabis and/or Cannabis Products prior to using the vehicle to deliver ~~cannabis goods~~Cannabis and/or Cannabis Products.

(E) The ~~licensee~~Commercial Cannabis Business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

SEC. 11-488. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(A) In addition to any regulations adopted by the city council, the city manager or his or her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of ~~commercial cannabis business permits~~Commercial Cannabis Business Permits, the ongoing operation of ~~commercial cannabis businesses~~Commercial Cannabis Businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this article.

(B) Regulations shall be published on the city's website.

(C) Regulations promulgated by the city manager shall become effective upon date of publication. Commercial ~~cannabis businesses~~Cannabis Businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or his or her designee.

(D) Testing ~~labs~~Laboratories, distribution facilities and special events shall be subject to ~~State~~state law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent ~~State of California~~state legislation regarding the same.

SEC. 11-489. COMMUNITY RELATIONS.

(A) Each ~~commercial cannabis business~~Commercial Cannabis Business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the ~~commercial cannabis business~~Commercial Cannabis Business can be provided. Each ~~commercial cannabis business~~Commercial Cannabis Business shall also provide the above information to all businesses and residences located within 600 feet of the ~~commercial cannabis business~~Commercial Cannabis Business.

(B) During the first year of operation pursuant to this article, the ~~owner~~Owner, manager, and community relations representative from each ~~commercial cannabis business~~Commercial Cannabis Business holding a permit issued pursuant to this article shall attend quarterly meetings with the city manager or his or her designee(s), and other interested parties as deemed appropriate by the city manager or his or her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this article. After the first year of operation, the ~~owner~~Owner, manager, and community relations representative from each such ~~commercial cannabis business~~Commercial Cannabis Business shall meet with the city manager or his or her designee(s) when and as requested by the city manager or his or her designee(s).

(C) Commercial ~~cannabis businesses~~Cannabis Businesses to which a permit is issued pursuant to this article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives.

SEC. 11-490. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS.

The person to whom a ~~permit~~Commercial Cannabis Business Permit is issued pursuant to this article shall be responsible for all violations of the laws of the ~~State of California~~state or of the regulations and/or the ordinances of the ~~City of Oxnard~~city whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the ~~commercial cannabis business~~Commercial Cannabis Business whether or not said violations occur

within the permit holder's presence.

SEC. 11-491. INSPECTION AND ENFORCEMENT.

(A) The city manager, or his or her designee(s) charged with enforcing the provisions of the ~~City of Oxnard~~city code, or any provision thereof, may enter the location of a ~~commercial cannabis business~~Commercial Cannabis Business at any time, without notice, and inspect the location of any ~~commercial cannabis business~~Commercial Cannabis Business as well as any recordings and records required to be maintained pursuant to this article or under applicable provisions of ~~State~~state law.

(B) It is unlawful for any person having responsibility over the operation of a ~~commercial cannabis business~~Commercial Cannabis Business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a ~~commercial cannabis business~~Commercial Cannabis Business under this article or under ~~State~~state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a ~~commercial cannabis business~~Commercial Cannabis Business under this article or under ~~State~~state or local law.

(C) The city manager, or his or her designee(s) charged with enforcing the provisions of this article may enter the location of a ~~commercial cannabis business~~Commercial Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard city manager or these regulations.

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

It is the stated intent of this article to regulate commercial cannabis activity in the ~~City of Oxnard~~city in compliance with all provisions MAUCRSA and any subsequent ~~State~~state legislation.

SEC. 11-493. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

SEC. 11-494. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the ~~City of Oxnard~~city. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, any permit issued pursuant to this article being deemed null and void, disgorgement and payment to the city for any

monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The ~~City of Oxnard~~city may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the ~~commercial cannabis business~~Commercial Cannabis Business or persons related to, or associated with, the ~~commercial cannabis activity~~Commercial Cannabis Activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or his or her designee(s), may take immediate action to temporarily suspend a ~~commercial cannabis business permit~~Commercial Cannabis Business Permit issued by the city, pending a hearing before the city manager, or his or her designee(s).

SEC. 11-495. CRIMINAL PENALTIES.

Each and every violation of the provisions of this article may at the discretion of the district attorney or city attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. Each ~~commercial cannabis business~~Commercial Cannabis Business may be cited for any violation of any law and/or any rule, regulation and/or standard adoption pursuant to this article. A fine not to exceed \$10,000 for the first violation, \$15,000 for the second violation and revocation of the permit for a period of two years after which time the business operator would have to reapply, ~~for any violation of sections 11-437, 11-438, 11-440 (h), 11-441 through 11-444.~~ The fine for operating an unlicensed and/or unpermitted ~~CCB~~Commercial Cannabis Business shall be \$30,000 per day and the issuance of a notice to appear in court. Each day a violation is committed or permitted to continue shall constitute a separate offense. At the discretion of the city manager or his or her designee, higher or lower fines or penalties may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances. Aggravating factors may include, but are not limited to: prior disciplinary history, nature and severity of the act(s), violations, offenses, or crime(s) under consideration, actual or potential harm to the public, actual or potential harm to any consumer, prior warning letters, licensee involvement, premises in high crime area, lack of cooperation by licensee in investigation, appearance and actual age of minor, continuing course or pattern of conduct. Mitigating factors may include, but are not limited to: length of licensure at subject location without prior discipline problems, positive action by licensee to correct problem, documented training of licensee and employees and cooperation by licensee in investigation.

SEC. 11-496. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.”

Section 2. Article XVI of Chapter 7 of the Oxnard City Code (Oxnard City Code Section 7-280 to 7-284) is hereby repealed.

Section 3. Article XV of Chapter 11 of the Oxnard City Code regarding Medical Cannabis Delivery (Oxnard City Code Section 11-390 to 11-403) is hereby repealed.

Section 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 5. Within 15 days after passage, the City Clerk shall cause a summary of this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. _____ was first read on December 1, 2020, and was adopted on _____, 2020, to become effective thirty (30) days thereafter.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

Amendment to Chapter 11, Article XVII (Commercial Cannabis Regulations)

Repeal of Chapter 11, Article XV (Medical Cannabis Delivery) &

Repeal of Chapter 7, Article XVI (Cannabis & Medical Cannabis Activities)

Kathleen Mallory, Planning & Sustainability Manager
Community Development Department

December 1, 2020
City Council Meeting



Background

2

Numerous ordinances in 2 years pertaining to different types of cannabis:

- April 18, 2018 -- Ord. No. 2937 establishing cannabis delivery ordinance and permit fee.
- June 18, 2019 -- Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis.
- October 1, 2019 -- Ord. No. 2965 adjustments to manufacturing, testing, and distribution.
- December 17, 2019 -- Ord. 2972 establishing regulations for retail cannabis (dispensary) uses.
- September 15, 2020 -- Ord. No. 2985 to correct cannabis code citation errors (due to industrial and downtown code adoptions).
- October 20, 2020 -- City Council adopted a cannabis local equity program.

Why are we here?

ITEM #K-1
3

- Code inconsistencies relating to the appeal procedures; consistency needed between prior Ords. and Council programs and directives
- Form of rejection letters did not notify applicants of their right to appeal
- 4 unsuccessful applicants filed an appeal
- In the interest of fairness, City terminated the existing retail cannabis and local equity retail cannabis program
- Introduce Cannabis Ordinance Modifications

Repeal/Readopt Cannabis Commercial Ord.

4

Repeal and Readopt, Chapter 11, Article XVII (Commercial Cannabis Regulations)

Key Ordinance modifications:

- Would implement the City's Local Equity Cannabis program
- Ensure consistency between numerous ordinances
- Correct code citations
- Update appeal provisions
- Correct terminology and cannabis operations/activities

Repeal Chapter 11, Article XV (Medical Cannabis Delivery)

- April 2018 City adopted medical delivery ord. and fee.
- January 2019 State legalized cannabis delivery by state-licensed firms; eliminated City's ability to regulate cannabis delivery.
- Repealing of this article is consistent with state regulations and limitations is no longer necessary.

Repeal Chapter 7, Article XVI (Cannabis & Medical Cannabis Activities)

- This section no longer needed - removal of entire Chapter since commercial cannabis is now regulated by Chapters 11 and 16 of the OCC.

New Commercial Retail Cannabis Program

6

1. Opens December 4, 2020; Closes January 7, 2021 at 6pm
2. No new Phase 1 -3 fees will be required if you were an applicant during the City's prior retail cannabis application program
3. Issue up to 16 permits by March 2021:
 - a. 13 retail cannabis permits
 - b. 3 local equity retail cannabis permits
4. Selected operators would then apply for a Special Use Permit

That the City Council:

1. Introduce an Ordinance (by title only, waiving further reading) that:
 - a. Repeals and readopts Chapter 11, Article XVII of the Oxnard City Code (Oxnard City Code Sections 11-450 to 11-496) regarding Commercial Cannabis Regulations;
 - b. Repeals Chapter 11, Article XV of the Oxnard City Code (Oxnard City Code Section 11-390 to 11-403) regarding medical cannabis delivery; and
 - c. Repeals Chapter 7, Article XVI of the Oxnard City Code (Oxnard City Code Sections 7-280 to 7-285) regarding cannabis and medical cannabis activities.
2. Authorize the waiver of permit fees (Phases 1 to 3) for the City's new retail cannabis and local equity retail cannabis program for those entities that participated in the City's prior retail cannabis and local equity retail cannabis program.



CITY COUNCIL AGENDA REPORT
REPORTS
AGENDA ITEM NO. L.1

DATE: December 1, 2020

TO: City Council

FROM: Alexander Hamilton, Interim Fire Chief, (805) 385-7708, alexander.hamilton@oxnard.org

SUBJECT: Ambulance Services Feasibility Study. (30/20/10)

RECOMMENDATION

That the City Council receive a report on the findings of the Ambulance Valuation and Feasibility study conducted by AP Triton, LLC; and adopt a resolution directing the City Manager to:

1. Assert the City's statutory right to provide emergency ambulance and medical services pursuant to California Health and Safety Code Section 1797.201; and
2. Provide the City's notice of intention to withdraw from the Joint Powers Agreement regarding countywide ambulance services to all pertinent parties.

(Public Safety Committee approved 3-0)

BACKGROUND

History

Currently the City of Oxnard relies on contracted ambulance service managed by the County of Ventura to provide advanced life support (ALS) transport of the sick and injured. Over the last 10 years the City has experienced a decline in ambulance services, disproportionate delays in low income areas, and a lack of reinvestment into the City's Emergency Medical Services (EMS) system.

The City has been unsuccessful in addressing these growing concerns through the means allowed for under the Agreement for Joint Exercise of Powers Relative to the Regulation of Ambulance Service and the Licensing Thereof (JPA), which is the agreement currently in effect that governs ambulance and medical services countywide. Under the JPA, lack of local control and accountability has allowed private ambulance providers to implement profit driven response decisions.

In an effort to assess the feasibility of enhancing ambulance service in the City, the Oxnard Fire Department contracted professional EMS consulting firm, AP Triton Consulting, LLC (AP Triton) to conduct a valuation, and deployment feasibility study (the "Study").

Research & Assessment - EMS System Valuation and Deployment Study

AP Triton is an industry recognized subject matter expert in EMS studies. A leader in ambulance feasibility studies, AP Triton has produced several studies for a broad spectrum of large fire agencies, counties, and cities comparable to Oxnard. As an expert in EMS ground transport, they created the nation's first Center for Medicare and Medicaid Ground Emergency Transportation program.

The Study evaluated the current system's valuation, design, strengths, and weaknesses with a focus on future opportunities. The Study addresses current national and statewide issues related to EMS transport with details on system valuation, funding opportunities, payer mixes, regulatory considerations, resource deployment, system unit hours, and utilization.

The Study recommended an array of beneficial enhancements for City Council consideration should the City elect to withdraw from the ambulance JPA. These options directly improve EMS services to city residents by increasing the number of dedicated ambulance service hours, improving response times to medically underserved, improving staffing levels, and local EMS reinvestment. The study further supports recommendations to assert local control of ambulance services in an effort to improve accountability and timely responsiveness to the needs of city residents.

The recommended actions will allow full control of deployment in a financially sustainable manner. As exemplified in the Study, ambulance transport reimbursement will provide a positive net revenue that will be reinvested towards the City's EMS system improvements.

As proposed, the Fire Department ambulance system would provide services that are geographically bound to serve the City. Staffing flexibility would be driven by need not profit margin; i.e. pandemic response, environmental/weather events, large scale events, etc.

Comparison of current services to proposed services:

Current Service Level – Gold Coast/AMR	Proposed Service – Fire Department
4 – 24 hour ambulance	4 – 24 hour ambulance
1 – 12 hour ambulance	1 to 2 – 12 hour ambulance
Dual use and not available due to non-emergency transport	9-1-1 response only
Units cover Oxnard, El Rio, Port Hueneme, unincorporated Ventura County and Pacific Coast Highway to Los Angeles County Line	Dedicated to Oxnard

The first of AP Triton's valuation of the EMS system is understanding the payer mix of the population. In order to create an estimate for the value of the City's EMS transport system, AP Triton compiled data from previous Ventura County Emergency Medical System Agency (VCEMSA) documents, Covered California, U.S. Census, and current data published by the VCEMSA ambulance contractor. While the estimate is based on known demographics, this estimate has a variable of +/- 5% based on numerous variables. The breakdown is based on 12,517 reported transports in Oxnard.

Payer Mix Exclusive Operating Area (EOA)

Cost Center	Percentage of Transports	Total Transports
Medicare	44.2%	5,533
Medi-Cal	25.8%	3,229
Commercial Insurance	19.2%	2,403
Private Pay	10.8%	1,352
Totals	100%	12,517

Applying the reimbursement formula to the payer mix requires adjusting for collection rates. Payer Mix Reimbursement (EOA) chart below uses a simple percentage to volume ratio. The rates include the ALS base rate, mileage at five miles per transport, and oxygen used 40% of the time. Combined, these come to a single rate of \$2,089.12 per transport. This calculation does not include insurance co-pays or deductibles as this is determined by city collection policy. Commercial insurance is calculated at 80% of the billed rate.

Payer Mix Reimbursement (EOA)

Cost Center	Number of Transports	Collection Rate	Revenue
Medicare	5,533	\$465	\$2,572,845
Medi-Cal	3,229	\$155	\$500,495
Commercial Insurance	2,403	\$1,671	\$4,015,413
Private Pay	1,352	\$167	\$225,784
Totals	12,517		\$7,314,537

To estimate the net revenue, the following calculations use actual costs of Oxnard Fire employees and current equipment and ambulance costs along with a capital replacement plan operating costs.

Total Revenue from Transports	\$7,314,537
- EMS Division costs - Support staff (mechanics, logistics, etc) - Field personnel (supervisors, EMTs, EMT/P) 4 units require 24 employees 12 FF/EMTs 12 FF/Paramedic	Already encumbered in deployment Already encumbered in deployment \$1,460,448 \$1,891,956
Total personnel costs	\$3,352,404
- Rolling stock (ambulances, gurneys, ECG) 7 ambulances @ \$175,000* 7 power cots @ \$31,000** 7 cardiac monitors @ \$36,000***	\$306,250 \$43,400 \$50,400
Total cost of rolling stock	\$400,050
Capital replacement plan + 10%	\$440,055
- Maintenance/fuel/etc - EMS billing outside contractor @ 3.5%	\$88,000 \$332,500
Total operating cost	\$4,613,009
Total Net Cost Recovery	\$2,701,528
* depreciated over 4 years	
** depreciated over 6 years	
*** depreciated over 5 years	

If the Committee forwards this item to Council, a resolution will be prepared for Council approval.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Objective 1d. Examine options for long term sustainability of public safety services to ensure an efficient and effective public safety service delivery model.

FINANCIAL IMPACT

There is no fiscal impact. Staff will return to Council for approval of Emergency Medical Service system proposals, projected revenue will be provided based on the proposal selected.

COMMITTEE OUTCOME

The Public Safety Committee approved 3-0 on November 10, 2020 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Jaime Villa, EMS Coordinator

ATTACHMENTS

1. Resolution asserting section 201 rights and JPA termination.revised.FINAL
2. Oxnard Fire EMS System Valuation and Deployment Study FINAL
3. Presentation 12-1-20 V4.0 AP Triton Report ambulance feasibility

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ASSERTING THE CITY'S STATUTORY RIGHT TO PROVIDE AMBULANCE AND EMERGENCY MEDICAL SERVICES PURSUANT TO HEALTH AND SAFETY CODE SECTION 1797.201 AND PROVIDING NOTICE OF INTENTION TO WITHDRAW FROM THE JOINT POWERS AGREEMENT REGARDING COUNTYWIDE AMBULANCE SERVICES

WHEREAS, Vehicle Code § 2512(c) and Welfare & Institutions Code § 14136(e), (f) authorize the City to regulate and license ambulance services; and

WHEREAS, Government Code § 38794 authorizes the City to contract for ambulance service to serve City residents as convenience requires; and

WHEREAS, Health & Safety Code § 1797.201 ("Section 201") provides that cities that provided or contracted for ambulance and emergency medical services as of June 1, 1980 have the right to continue to provide, contract for, and administer such services, subject to the medical control authority of the county emergency medical services agency; and

WHEREAS, the City has provided non-transport emergency medical services since prior to June 1, 1980 through the present; and

WHEREAS, the City entered into a Joint Powers Agreement ("JPA") created by the County of Ventura (the "County") and all constituent cities in the early 1970s, implementing a coordinated and uniform system of regulating, licensing, and contracting for ambulance services wherein the County would jointly exercise the authority of each JPA member to regulate ambulance operations in their respective boundaries; and

WHEREAS, the City has contracted for ambulance services through the JPA since prior to June 1, 1980 through the present, and the City's entry into the JPA did not relinquish its Section 201 rights; and

WHEREAS, pursuant section 7 subsection c of the JPA, the City may withdraw from the JPA by providing one hundred eighty (180) days' written notice to all pertinent parties; and

WHEREAS, on November 10, 2020, the Public Safety Committee unanimously recommended that City Council assert the City's Section 201 rights, and authorize the City Manager to provide notice to all pertinent parties to withdraw from the JPA.

NOW, THEREFORE, the City Council of the City of Oxnard hereby resolves:

1. To assert the City's statutory rights to provide and administer ambulance and emergency medical services pursuant to Section 201; and

2. To authorize the City Manager to provide notice of intention to withdraw from the JPA by providing one hundred eighty (180) days' written notice prior to the end of Fiscal Year 20-21 to all pertinent parties pursuant to section 7 subsection c of the JPA.

PASSED AND ADOPTED this ___th day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

*EMS System Valuation
and Deployment Study
for
Oxnard Fire Department*



by
AP Triton Consulting, LLC

November 18, 2020



AP Triton Consulting, LLC
EMS System Valuation and Deployment Study
Oxnard Fire Department

ITEM #L-1

Executive Summary

The Oxnard Fire Department is currently exploring options to maximize efficiencies and increase services. This includes, among other things, bringing ambulance services under direct control of the Fire Department. The Fire Department currently provides Advanced Life Support (ALS) via first response from engines; however, as health care and emergency medical services (EMS) continue to evolve in the new health care environment, the Fire Department is prudent to explore options that are more in line with those changes. Exploring emergency and non-emergency transport is one of those opportunities that will show benefit to the community's visitors, the City residents, and the surrounding fire agencies in the county.

Oxnard Fire is in a unique situation that offers opportunities with respect to 9-1-1 Emergency Ambulance Transportation services within in the County. The department already provides the single most expensive components of the EMS system, which is the first response. Those services include everything from the initial call requesting service response, the use of first responders, assistance with patient transport which includes initial patient assessment and treatment when indicated, gathering important patient information and internal quality control. It is equally important to fully recognize that while today's ambulance transport is being facilitated by Gold Coast ambulance a GMR corporation, all other aspects other than the act of transports are currently available and provided by Oxnard Fire.

AP Triton Consulting was contracted to assess the value of the system and evaluate a deployment model that will bring an enhanced level of service over what is currently being provided and to do that in a financially sustainable manner. While there are more than one option for the delivery of services, each with corresponding advantages and disadvantages, the one thing that is clear is that the Fire Department has the ability to take full control of the ambulance deployment and enjoy a level of cost recovery that is not seen today.

What is the benefit to the Fire Department in changing the current ambulance delivery model? While there are many benefits to modifying the current delivery model, we will list a few of the

EMS System Valuation and Deployment Study**Oxnard Fire Department**

more significant ones. First is the increased operational control. The current ambulance deployment to the city of Oxnard was coordinated by the County. This structure takes most of the ambulance control out of the hands of the City's leadership and places it with the county. The interesting aspect of this arrangement is that when the provider is not in compliance with the service requirements such as delayed response, the ambulance provider is fined. These monies are then paid to the county and not the City when it was the City who was compromised in the service they deserve. Increasing the operational control of the service delivery allows the Fire Department to better staff the ambulance units and position them to best suit the Fire Department's needs, not the contractor's needs or the County LEMSA's needs. Modifying the current system to one that allows the Fire Department to fully manage not just the transports, but also the financial aspect of the service delivery, allows for a level of flexibility that may not be present today. In simpler terms, if the Fire Department were to have full control of the services as is allowed under Health & Safety Code 1797.201, it would also be in the position to set rates for services along with a billing and collection policy that could provide additional revenue to the Fire Department to enhance services to the residents and visitors to Oxnard. In turn, the system would also be in a more financially secure position, as they would now be able to enjoy a fixed rate of revenue to run their operations. And last, a change in the management structure will provide a level of transparency that is not currently enjoyed.

The State of California EMS Authority's March 2020 Emergency Ambulance Operating Zones document recognizes the City of Oxnard EOA #6 as an "*Exclusive Operating Area*" under 1797.224 non-competitive process (grandfathered). It is our opinion that this designation of the EOA is inaccurate and the City retains their 1797.201 operating rights and obligations.

The purpose of an EOA, in broader terms, is to construct a geographical area that creates a market share combining high, medium, and low payer mixes in order to maintain financial stability to support the ambulance provider. This creates enough total paying transports to offset the losses from transporting low- or non-paying patients. In many cases, this is easily accomplished, as the EOA is of moderate size there is some economy of scale with larger operations. As the EOA becomes smaller and/or the payer mix revenue potential declines, the ability to recover costs, or make a profit, becomes more difficult. Those agencies deemed .201

EMS System Valuation and Deployment Study**Oxnard Fire Department**

providers provide services to the geographic borders of their jurisdictions or historic service area. Therefore, the ability to create an area that is based on economics is not there. This is one of the reasons that 201 providers retain their administrative control which includes the ability to establish their own rates for services as well as their billing policies. In the case of the City of Oxnard EOA, the payer mix revenue is relatively strong considering that the call volume is average for their size. As a result, the Fire Department can afford to provide ambulance services and, with some minor modifications to the rates and billing policy, generate positive cost recovery.

It is the opinion of this consulting firm that the potential for the EOA to support a Fire Department-based 9-1-1 Emergency Ambulance Transportation system managed by Oxnard Fire is not only feasible, but it will produce a level of cost recovery that offsets the cost of the service, supports the infrastructure, and generates additional revenue in the amount of \$4.8 - \$5.7 million annually to help with the ever-increasing cost of service deployment in a sustainable manner. It is our recommendation that the City strongly consider modifying their 9-1-1 Emergency Ambulance Transportation service with the understanding that the exposure to risk is minimal while the potential for system enhancements is much greater than is currently available. It is our further recommendation that the Fire Department utilize the revenue that can be gained from such an endeavor to enhance additional services that can reduce the impact on local emergency resources, such as adding additional resources in the City of Oxnard system. In doing so, the Fire Department will be able to provide the highest levels of service without incurring additional costs to the taxpayer.

Furthermore, should City of Oxnard consider making this change, it is our recommendation that they move forward with selecting a billing subcontractor by simultaneously initiating a Request for Proposal (RFP) for a contractor to manage the billing and collection of revenue. Conducting this RFP at the same time will speed up the process and allow the Fire Department to enjoy the added revenue for this change in services delivery.

AP Triton Consulting, LLC
EMS System Valuation and Deployment Study
Oxnard Fire Department

ITEM #L-1

[Table of Contents](#)

Executive Summary	1
Understanding Health Care Financing	6
Determining the Value of the System	8
Billing Policy	8
Collection Policy	9
Transport Rates	10
Documentation	10
Billing Contractor's Level of Effort	11
Understanding the Payer Mix	12
Payer Mix	13
System Valuation	14
Deployment to Cost to Profit	15
Federal Supplemental Reimbursement Programs	17
QAF	18
AB1705 (Bonta)	18
Treat No Transport	19
Calculating Total Revenue	19
Deployment Plan	20
Understanding Unit Hour Utilization	20

AP Triton Consulting, LLC
EMS System Valuation and Deployment Study
Oxnard Fire Department

ITEM #L-1

Calculation of Cost / Cost Recovery	21
Alternate Staffing Option	23
Exploring Additional Areas for System Revenue	25
First Responder Fee Background	25
Summary of Findings	28

Understanding Health Care Financing

Understanding health care financing and the principles that go along with it can be a very daunting task. With the mixture of Medicare, Medicaid/Cal, private commercial insurance, second and third party payers, workers' compensation, private payers, auto insurance, travelers insurance, ACA, Covered California, co-pays, deductibles, and the \$100 Tylenol, it stands to reason that the average local government administrator may feel out of his/her comfort zone. Although the overall industry is extraordinarily complex, the actual processes for functioning within this system are not as complex as one may think. Remember, health care is the largest civilian industry in the United States. Every day, millions of dollars are billed and collected within the health care finance industry. A majority of the transactions taking place are from the small doctor offices and medical groups that serve most Americans' needs. Most of America's health care billing and collections are done "in-house" through these small offices and medical groups. Although smaller and often narrower in the billing categories compared to the larger medical groups or hospitals, these smaller health care providers use the same 68,000 billing codes and 70,000 treatment codes to complete the day-to-day billing process. Conversely, the ambulance industry typically uses less than ten code to facilitate nearly 100% of billing needs.

Why is this background so important to the conversation of EMS and ambulance services? Simply stated, EMS and ambulance billing are some of the simplest health care billing processes in America's health care system. A common statement heard from many local government administrators is, *"you want to stay out of this and leave it to the private sector who are the experts."* Let us take a look at the validity of this statement. Unlike the general health care system that must categorize the service into one of 68,000 ICD-10 codes, ambulance billing under direction from the Centers for Medicare and Medicaid Services (CMS) uses a "bundled" billing process. When submitting a bill for services, it should contain only the broad services provided and not an itemized bill for services. When billing Medicare or Medicaid/Cal for services, only four items are generally accepted for reimbursement. When billing private or commercial insurance, a bundled bill is the accepted method as adopted by CMS. Another common statement that is often heard is, *"the private sector knows the in's and out's and have*

EMS System Valuation and Deployment Study**Oxnard Fire Department**

the connections.” Is this true? The reality is this could not be further from the truth. As large as the health care system is, emergency ambulance transports make up less than a fraction of 1% of the system cost. There are no “*in’s and out’s*” as the bundled billing system is the industry standard and very straight forward. Is it conceivable that as small as the emergency transport industry is to the overall system cost that the private sector has a “special” insider? Medicare, the largest provider in America, has an 800 number for providers to call for billing inquiries. The same applies to Medicaid, as well as the other large insurance providers. To think with the massive number of billing inquiries each day that a particular provider has an inside contact is not realistic. After a truly short time, even the novice employee can become an insurance expert in ambulance billing.

So how does one apply this newfound knowledge of health care financing? How do the facts that there are no secret in’s and out’s, no “special” contacts to get billing done better or faster, and no “special expertise” the private sector has over anyone else, apply to this situation? Although there are no secrets to the billing process, there is a certain degree of easily attainable knowledge of the rules and regulations associated with the billing process. There are many government agencies that conduct all billing services in-house. Remember, some of the largest providers of health care are local governments. County hospitals, clinics, mental health, and dental offices are all services that are provided in almost every county in the state. Local government provides ambulance service billing and collections every day across the country, at a collection rate on par with the private providers, and in some cases, with a higher collection rate. When an agency chooses not to provide billing in-house, the most logical choice is to use an outside billing company that specializes in billing EMS and ambulance services. There are numerous companies that provide this service for not just public providers, but also for private ambulance providers as well. The most common question is if there is really no difference or secrets in the billing process, why is there a difference in the collection rate? This is the most misunderstood part of the billing and collection process. The simple answer is “policy.” To the greatest degree, the provider’s billing and collection policy determines the reimbursement rate. As an example, two ambulance providers respond to the same patient and provide the same treatment and services. Both charge the county rate of \$1,600. Ambulance Provider A waives the co-pay and deductible of \$200 and collects the insurance payment of \$1,400 as payment in

EMS System Valuation and Deployment Study**Oxnard Fire Department**

full. Ambulance Provider B accepts a compromise offer of \$150 for the co-pay and deductible and collects the \$1,400 insurance payment. Provider A has a collection rate of 87% of the billable amount while Provider B has a collection rate of 98%. Without knowing the billing policy, one could be led to believe Provider B has the better billing company because of the higher collection rate when, in reality, both providers have the same billing company but different collection policies.

Determining the Value of the System

There are numerous factors that impact the value of an EMS system. The monetary value of the system essentially refers to how much money, in terms of revenue, can be garnered from the system. There are no special or secret methods for collecting revenue from an EMS system. There is a fixed amount of money available to all providers regardless of their public or private status; this is often referred to as the cap. The reason there is disparity in the revenue collected amongst various providers is attributable to two main areas, billing and collections. Some agencies are better at procuring monies in these areas than other agencies. Often an agency bases its success on its collection rate, but this is about as accurate as asking how red your fire engines are. Collection rates are just one aspect of the successful management of a system. The key factors affecting the success of billing and collections are billing policy, collection policy, transport rates, documentation, billing contractor's level of effort, and understanding the payer mix.

Billing Policy

Establishing a billing policy is one of the primary steps a provider needs to accomplish in order to get the most monetary value from the system. When a service is provided, there is an assumption that there will be a charge for that service. There are numerous factors that will determine what is included in the patient billing policy. The more aggressive the billing policy, the more potential there is to collect. There are, however, areas that do have a fixed rate attached and this alone will create a fixed cap on the maximum potential collections that are available within the system. There will also be a set number of calls for service in a given time period; therefore, adding additional ambulances in the system does not equate to being able to

EMS System Valuation and Deployment Study**Oxnard Fire Department**

run more calls and transport more patients. The expectation is that all the patients who request to be transported or whose medical condition requires it will be transported. There will be fluctuations in the call volume, but significant or seasonal changes in call volume are predictable. Based upon the last four years of transport data from the County, there is an expectation that there will likely be an increase in calls for service annually. This trend is expected to play out in City of Oxnard as well. Reimbursement for some services based upon the number of calls is relatively established and forecastable. It should be noted that an increase in call volume does not reflect a direct correlation to an increase in revenue. The areas of the billing policy which will determine revenue are collection policy, transport policy, documentation accuracy, billing contractor level of effort, and understanding the City of Oxnard payer mix.

Collection Policy

The collection policy is the most significant aspect of the collection process affecting the revenue stream. Federal regulations which control billing require that every patient receive a bill for services rendered in order to prevent what is known as “cherry picking” where only specific groups of patients are billed. How aggressive a company is with the collection of those bills is a matter of business philosophy. Most private ambulance companies, and hospitals for that matter, have very aggressive collection policies, while many public ambulance providers have much less aggressive policies. The reason for this disparity is simple: private ambulance companies are in the business of generating profit. This includes “non-profit” providers as they need to have a reasonable margin to set aside for reserve funds during times of unexpected system changes such as COVID. For these companies, sending a patient to collections or placing them on a rigorous payment plan is standard operating procedure. While many providers including Gold Coast have a compassionate billing policy, they still must seek collections where possible. Conversely, in the public sector, there are political considerations and public relations concerns which must be addressed because most patients will also be taxpayers. A simple formula to consider is this: once the effort of collection reaches a point where the return in either money or political consequences is less than the monetary gain, then the collection process should cease.

EMS System Valuation and Deployment Study**Oxnard Fire Department**

Transport Rates

It has already been discussed that there is a fixed number of transports that will occur in each period of time, but there is a subsection of patients whose medical condition will not require immediate transport. Obviously, the percentage of transports has a direct impact on the revenue received. Fewer transports result in less revenue. In the private sector, it is in the employees' best interest to maintain an acceptable transport rate since it is directly related to the success of their employer and, subsequently, their employment. When a patient is not transported due to the advice or insistence of the paramedic or EMT, there is a loss of revenue that results from these actions. As an example, if there are three units in the system that facilitate one non-transport for various reasons each shift, this equates to a total 1,095 non-transports per year. Using Medicare rates alone without the co-pay, this amounts to nearly \$500,000 per year in lost income. There will always be a percentage of calls that will not result in a transport due to circumstances. This is to be expected and can be projected as a percentage of the overall call volume.

Documentation

Documentation provided by a paramedic on the patient care report (PCR) also plays a significant role in the collection rate achieved by the provider. One area that is often overlooked is proper training of field units in the documentation process that accurately reflects the actual assessment and treatment provided on scene. These actions will then capture the correct reimbursement rate. Reimbursement, particularly through Medicare and Medicaid/Cal, is based upon the patient's needs and not reimbursed simply because they called for transport. Simply stated, many calls that should be billed and paid at an Advanced Life Support (ALS) rate are often reimbursed at the Basic Life Support (BLS) rate, while some that should have been collected at either the ALS or BLS rates are not found to meet any reimbursement criteria and are left unpaid. Accurate documentation can result in a substantial increase in revenue in an area where the service is already being provided.

EMS System Valuation and Deployment Study**Oxnard Fire Department**

Billing Contractor's Level of Effort

The billing contractor or billing office also plays a major role in the collection rate. The level of effort demonstrated by the billing provider displays a direct correlation to the collections received. There are two common ways public providers conduct billing for ambulance services. The first is to use an outside third-party billing company that conducts all billing on behalf of the provider. Their ability to collect depends on several factors, the most significant being the billing policy. A relaxed or vague billing and collection policy will result in less collection of revenue. Most billing companies base their fees on a percentage of the amount they collect. If the provider has a billing and collection policy that allows a reduced amount to be collected, then the biller will likely charge a higher percentage rate in order to meet their profit margin.

Another method of billing and collections is to conduct all billing in-house. There are the same challenges with doing billing in-house as with using third party billers. The single largest obstacle in establishing in-house billing services is setting up the infrastructure. When considering a large operation, such as providing an EOA-wide ambulance billing service, the issues include creating a whole separate business operation encompassing facilities, hardware, software, personnel, and training which requires a large capital outlay at least six to nine months in advance.

It should be understood that even though there is a fixed and finite amount of money that is available in the service area, there are numerous variables that influence a provider's ability to collect that revenue. Establishing policies, training of personnel, and close monitoring of the delivery system will pay forward in the collection of revenue. The advertised percentage of collections by billing companies is nearly irrelevant because it does not address all the facets of successful billing. Therefore, it is always in the best interest of the agency to review the billing and collection services on an annual basis to ensure that best business practices and policies are current whether using in house or third-party billing.

EMS System Valuation and Deployment Study**Oxnard Fire Department**

Understanding the Payer Mix

Reimbursement is based upon providing a service and billing the appropriate party responsible for the service provided. Within the health care industry, there are primarily four categories, or cost centers, for reimbursement: Medicare, which is the primary health care coverage for persons over the age of 65; Medicaid (also known as Medi-Cal in California), which is a component of the federal Medicaid program and is provided for certain qualified individuals and families (primarily low income at 138% of the federal poverty level); commercial insurance, most commonly associated with benefits provided by employers to their employees, but also may also be purchased independently; and lastly, private pay, which is the term generally applied to those without insurance. Within these categories are numerous sub-categories that are available and used for reimbursement but will not be discussed in this report. Sub-categories are predominantly workers' compensation, liability, and auto insurances.

Each community will see differences in how the payer mix influences health care financing and reimbursements. As we are discussing ambulance revenue in this document, we must also understand that City of Oxnard has many different economic and population subsets. In order to begin to create a possible reimbursement scenario, it is necessary to understand that different areas of the county will have different ratios of the payer mix demographic. This can be extremely complicated simply because an area of the community that has a large population over the age of 65 will historically have a large Medicare reimbursement. Due to health care issues that escalate with age, a corresponding increase in call volume would be expected. Conversely, an area with a high commercial insurance demographic is likely to have a higher reimbursement rate; however, if that area has an average population age of 30 to 50, that age group typically has fewer health care issues and thus fewer transports.

In reviewing the data collected for the County and provided by the Fire Department, we have created a payer mix. In order to create an estimate for the value of the City's EMS transport system, a comparison must be drawn between the population demographics of the known service area and the rest of the county and state. We compiled data from previous LEMSA documents, Covered California, US Census, and current data published by the County's LEMSA contractor. While the estimate is based on known demographics, this estimate has a variable

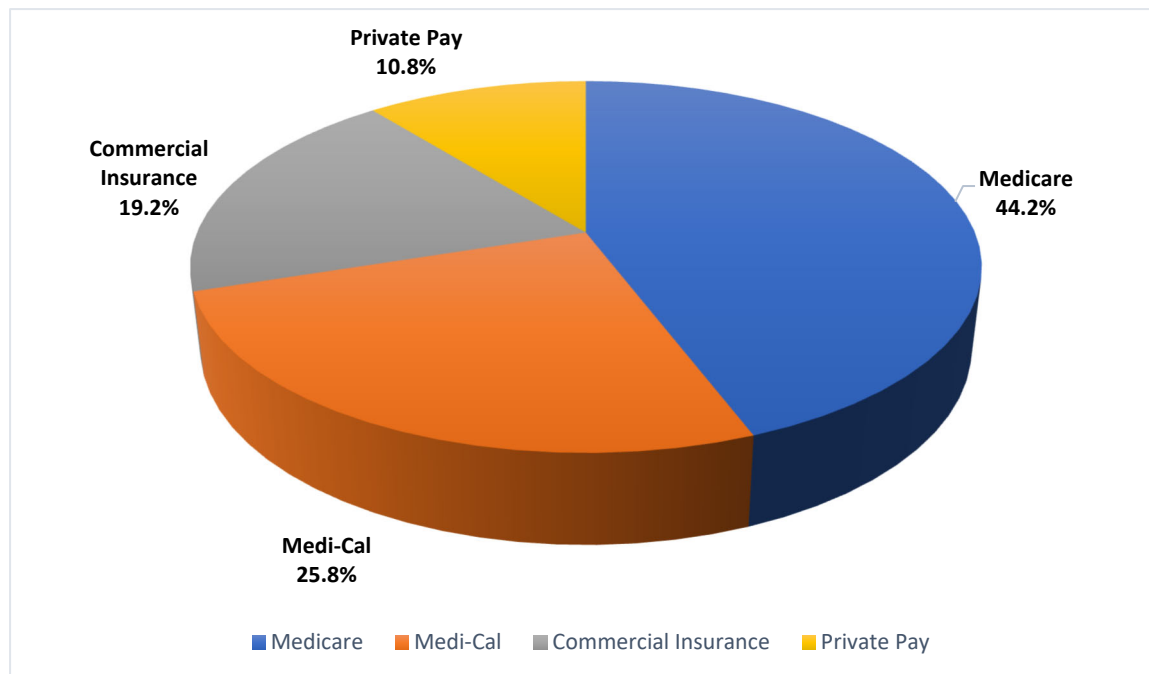
EMS System Valuation and Deployment Study

Oxnard Fire Department

of +/- 5% based on numerous variables. The breakdown is based on the reported 2019 transports for Oxnard at 12,517.

Payer Mix

<u>Cost Center</u>	<u>Percentage of Transports</u>	<u>Total Transports</u>
Medicare	44.2 %	5,533
Medi-Cal	25.8 %	3,229
Commercial Insurance	19.2 %	2,403
Private Pay	10.8 %	1,352
Totals	100 %	12,517



EMS System Valuation and Deployment Study

Oxnard Fire Department

Applying the reimbursement formula to the payer mix also requires adjusting for collection rates. There are numerous ways to calculate the rate adjustment. This one uses a simple percentage to volume ratio. To a large degree, variations in collection percentages across the payer mix depend upon the stability of each cost center. The most stable would be Medicare, as there is less ambiguity in the eligibility requirements. Medicaid/Medi-Cal and private insurance tend to have slightly less stable enrollee numbers, as the situations that allow participation in those cost centers change by individual circumstances. The same will be seen in the private pay category as more and more individuals will receive coverage through the ACA. We typically find that within each category, there will be a percentage of charges that will be unbillable for a variety of reasons. The most common is that the patient is no longer covered or has not met the deductible. Our experience has shown that for each category in the following payer mix, the percentage of patients that are covered are outlined below (private pay trends to about 5% to 8% of the total payer mix pay the fee). Below we will illustrate the value of the system using the current rates as provided. The rate will include the ALS base rate, Mileage at five miles per transport and Oxygen used 40% of the time. Combined these come to a single rate of \$2,089.12 per transport. This calculation does not include co-pays or deductibles as this is determined by policy as discussed above. Commercial Insurance is calculated at 80% of billed rate.

System Valuation

Payer Mix Reimbursement (EOA)

<u>Cost Center</u>	<u>Number of Transports</u>	<u>Collection Rate</u>	<u>Revenue</u>
Medicare	5,533	\$465	\$2,572,845
Medi-Cal	3,229	\$155	\$500,495
Commercial Insurance	2,403	\$1,671	\$4,015,413
Private Pay	1,352	\$167	\$225,784
Totals	12,517	-	\$7,314,537

The above calculation shows an average per transport collection rate of \$584.37 which is well below the statewide average of \$760 by public providers. These figures do not include additional revenue from any of the Federal supplemental revenue programs. These programs will be discussed later.

AP Triton Consulting, LLC
EMS System Valuation and Deployment Study
Oxnard Fire Department

ITEM #L-1

Deployment to Cost to Profit

Reimbursement is only one factor to consider when evaluating a system. As the statistics show, and this consultant fully agrees with, the reimbursement must support the system and the system cannot exceed in cost what the revenue can support. The data provided by Gold Coast to PWW in their EMS system evaluation in 2019 indicates they provide a total of 48,180 annual unit hours to EOA six. This is broken down to five 24-hour units and one 12-hour unit each day. Further data from CAD shows the ambulance provider spends roughly 56 minutes per transport.

This consultant has had the opportunity to draft, administer, and negotiate ambulance contracts on behalf of counties, cities, and special districts. Our approach has always been to arrive at a unit hour cost as opposed to a system wide bid. This result has provided a much more realistic evaluation of the true cost of the service that can be compared to the revenue projections. In the following, we will do just that using the data contained here.

In a recent negotiation with the nation's largest ambulance provider, they supplied a detailed unit hour cost for providing a fully staffed paramedic ambulance. This cost included all roll-ups, overhead cost, maintenance, supervision/administration, and a guaranteed 10% profit margin. That unit hour cost came in at \$201.08 per unit hour. In comparison, the same company using the same operating cost in the above scenario just entered a contract in a neighboring California County for \$89 per unit hour. How is this possible? As recently as July 1, 2019 in Orange County, California, another ambulance provider entered a unit hour contract for \$83 per unit hour. Again, how can this be? Using the reported unit hours found in a recent Page Wolfberg & Wirth (PWW) report for Ventura County, along with the reported revenue less profit, we can determine the unit hour cost claimed to provide the required service to that county.

- Life-Line Ambulance

Total annual unit hours: 30,660. Revenue less profit: \$5,772,252

$\$5,772,252 / 30,660 = \188.26 per unit hour

- AMR

Total annual unit hours: 168,520. Revenue plus losses: \$26,780,624

$\$26,780,624 / 168,520 = \158.92 per unit hour

EMS System Valuation and Deployment Study

Oxnard Fire Department

- Gold Coast Ambulance

Total annual unit hours: 48,180. Revenue less profit: \$13,225,805

$\$13,225,805 / 48,180 = \274.51 per unit hour.

As we are discussing the Oxnard deployment, we must examine the reported collections claimed by Gold Coast for EOA six (6). Using the 2018 Ventura County EMS update Gold Coast reported a total of 22,559 responses of which 15,568 were “emergency” response and a total of 6,991 “non-emergency” responses. Total transports were reported at 18,781 with 12,012 being “emergency” and 6,769 being “non-emergency.” Based on these numbers, it is clear that Gold Coast deployment for emergency response is directly tied to a significant (nearly 37%) “non-emergency” inter-facility transfer (IFT) business model. The inclusion of the IFT business explains the \$13 million in revenue claimed by Gold Coast. Next, we will use simple cost inputs taken from an actual cost assessment of a large ambulance provider in California. The purpose of this calculation is not to provide an actual unit hour cost, but to allow us to contemplate the validity of the rates. The EMT/Paramedic hourly rate provided is the highest in the state for this provider and the overhead cost is actual to the hourly rate.

- | | |
|---|----------------------|
| ● Paramedic | \$25 / hr. |
| ● EMT | \$20 / hr. |
| ● Roll-ups all-inclusive @ 37% | \$16.65 / hr. |
| ● Overhead cost @ 20% | \$12.33 / hr. |
| ● ICR @ 26% | \$19.23 / hr. |
| | |
| ● Ambulance depreciation + replacement | \$7.53 / hr. |
| ● Monitor / gurney depreciation + replacement | \$3.54 / hr. |
| ● Supplies / fuel / maintenance | \$4.56 / hr. |
| ● Misc. @ 15% | \$16.32 / hr. |
| ● 10% profit | <u>\$12.51 / hr.</u> |

Total Unit Hour Cost

\$137.67 / hr.

EMS System Valuation and Deployment Study

Oxnard Fire Department

Federal Supplemental Reimbursement Programs - GEMT / QAF / AB 1705

In 2010, California began development of a federal reimbursement program known as Ground Emergency Medical Transport (GEMT). This program and similar programs are operating in several states and are in development in several more. These programs provide a substantial amount of money into government-based ambulance operations that are not realized by the private sector. Although these programs have been in existence and operating across the country for more than 30 years, it has only been recently that these programs have been utilized by the governmental ambulance providers. There was much discussion on the future of these programs with many rumors projecting they will be gone by 2017; the reality is there is no formal position from the federal government as to when these programs will, if ever, end. We are well into 2020 and the program is not only still intact but expanding with additional revenue on the table. CMS is actively starting new programs across the country for ambulance providers. It is unlikely that these programs will cease to exist overnight or without ample warning. As health care is undergoing changes with the introduction of the ACA, any discussions concerning the future of ambulance reimbursement should be viewed as mere speculation at this point. Although GEMT is an entitlement through the Social Security Act Title XIX, and is not likely to be terminated anytime in the near future, we strongly recommend that, when considering undertaking ambulance services by the local government, that GEMT/IGT should **not** be considered part of the revenue stream for a stable system. The best and logical direction for providing ambulance services should be in creating a stable Fee for Service (FFS) delivery system without supplemental or subsidized payments to the providers. A system that can support itself internally is just sound business practice. In providing a realistic estimate of the current system as it exists today, GEMT/IGT must be recognized as these programs are in fact part of the system revenue under the governmental structure and should be collected by the County EMS if allowed. In order to qualify, the simplest understanding is that the provider of ambulance services must be a unit of government as defined under 42 CFR 433.5. In short, the government agency must have taxing authority to qualify. In its current form, none of the current ambulance providers would be able to participate in the GEMT program.

The second issue concerning the GEMT program is that the program is based on FFS. FFS are those beneficiaries that are not Managed Care HMO based. As the state and counties are actively moving towards a managed care system, there will always be a percentage of patients

EMS System Valuation and Deployment Study**Oxnard Fire Department**

that will be Medi-Cal FFS patients. For this calculation, we will use 15% as the percentage for GEMT calculations. Although they amount to a very small percentage of the total call volume, the reimbursement is significant on an individual basis. As an example, if the cost of providing the transport services is \$1,500 per transport, the uncompensated cost is roughly \$1,365 per transport. The GEMT reimbursement would amount to \$683 for each Medi-Cal FFS patient that has been seen or transported.

QAF

In 2017, SB523 was signed into law by the Governor. This bill created a Quality Assurance Fee (QAF), also known as a Provider Tax. It is applied to all ambulance providers in the state and charges a tax on certain classes of revenue. This is used to determine a statewide charge per provider for each transport. This per transport tax is then used to draw down additional dollars from the federal government to help offset the losses due to Medi-Cal. Many private ambulance providers include this supplemental reimbursement they receive from this program and show the combined Medi-Cal reimbursement of \$375 without disclosing the “tax” paid to receive this money. At the start of the program the tax was assessed on all emergency transports at \$25.35 per transport. However, in 2020 the State raised the tax by 40% to \$35 per transport. This amount must be backed out of the total reimbursement to reflect the actual reimbursement that can be provided by the program.

AB1705 (Bonta)

AB1705 (Bonta) was signed by the Governor in 2019. This program will place GEMT into suspense and remove the public providers from the current QAF program, creating a new program that will include both Medi-Cal FFS and Managed Care into a single public program. The desire to revamp the current programs is to allow the public providers to have their own program that recognizes the full cost of providing the services which were discussed above. It is estimated that this new program will increase the federal reimbursement, which includes both GEMT and QAF, by three-fold. The program is currently under development with an implementation date of January 2022.

EMS System Valuation and Deployment Study

Oxnard Fire Department

Treat No Transport (TNT)

Implementing a Treat No Transport (TNT) fee to the general population would require establishing a rate for the fee. This concept is becoming more and more common across the country and is an accepted practice as many states reimburse for TNT under the Medicaid program. California is included in this practice. Commercial insurance has not challenged these charges as they are looked upon in the same manner as if a patient presented in the emergency department (ED) of a hospital and were evaluated and treated by the ED Physician. The insurance is billed for the services provided and reimbursement is not contingent upon the patient being admitted to the hospital. The same concept applies. If 9-1-1 has been summoned to the scene where a patient has been encountered, but not transported, a fee can be charged and is generally reimbursed by private commercial insurance. Current transport rates as reported are at 77%. This leaves 23%, or 3,600, non-transport. As pointed out in the data report, there is reimbursement from most insurance companies as well as State Medi-Cal at the Basic Life Support rate. Assuming a modest 50% that would qualify between Medi-Cal and insurance, we could expect an additional \$174,592 to the transport revenue.

Calculating Total Revenue

<u>Cost Center</u>	<u>Number of Transports</u>	<u>Collection Rate</u>	<u>Revenue</u>
Medicare	5,533	\$465	\$2,572,845
Medi-Cal	3,229	\$155	\$500,495
Commercial Insurance	2,403	\$1,671	\$4,015,413
Private Pay	1,352	\$167	\$225,784
GEMT/QAF *2021			\$504,605
PPIGT ** 2022			\$1,937,400
No-Transport ***			\$174,592
Total Year 2022	12,517		\$9,426,529

*currently in place

** begins 2022

*** this includes Treat No-Transport for Medi-Cal and Commercial Insurance @ 50% collection at \$400 rate

EMS System Valuation and Deployment Study**Oxnard Fire Department****Deployment plan**

A primary consideration for a transition into the transport line of services was based on a large part to return local control of all public safety services back to the City of Oxnard via the Fire department. As stated above, Gold Coast, the current provider, typically staffs Five (5) 24 hour units and a single 12 hour unit each day. This deployment includes their ability to take IFT calls for service. As we look at the deployment needed to meet system demand we will look at only the “emergency” demand and not the IFT demand. This does not mean that the Oxnard fire Department cannot participate in the “non-emergency” transport system but that is typically not done via public safety providers.

Understanding Unit Hour Utilization (UHU)

Unit Hour Utilization (UHU) is a misunderstood topic and is inundated with many myths. Many people believe that there is a hard number that must be followed in order to comply with “the standard.” The reality is there is no such standard. UHU was initially developed to aid in determining the number of units needed to meet the demand of a particular geographical area based on call volume. While there is no standard set by any regulating agency, a recognized industry best practice of .25 to .35 for UHU is a reasonable place to set initial deployment of units. In determining the needed units to service the system needs we must look at the UHU and compare that to the Time on Task (TOT) that is spent on each incident based on transport volume. Using the reported number of transports provided by Oxnard Fire of 12,517 we can determine the static UHU ($12,517 / 41,750 = .30$). This UHU is in the middle of the acceptable range. It is however the TOT that really determines the actual number of needed units per day to meet demand. TOT, or as AMR refers to this as Workload UHU (WUHU), has an industry best practice of .41 - .48; we will apply a typical 72 minutes per transport. This 72-minute time includes calls that result in non-transport. Using the 72 minutes per transport brings total system hours to 15,020 hours worked on EMS incidents by the ambulance provider. To achieve a TOT of between .41 -.48, the Department will need to provide 34,250 yearly unit hours ($15,020 / 34,250 = .44$). This equates to a total of 659 weekly unit hours or four 24-hour units.

EMS System Valuation and Deployment Study

Oxnard Fire Department

Calculation of Cost / Cost Recovery

We have established the total number of transports using CAD data and cross referenced with the County EMS plan from 2018. Used the payer mix calculation as provided by Gold Coast for the County EMS study. Applied the current County ambulance rates excluding co-pays and deductibles. And included the supplemental reimbursement schedule in place now and into 2022 to develop a conservative estimate of the value of the system. Now we must apply costs to the value to determine cost recovery to the City.

Before we discuss costs, we first need to understand the comparison between public ambulance providers and private ambulance provider. The most common comment from elected officials as well as the general public is *“how can a government agency compete with the private sector?”* This is a good question as the general consensus is that private sector is less expensive than government. The reality of public ambulance providers is that not only can they compete but in almost every case the public sector can do it significantly cheaper than the private sector. Private providers of ambulance services must establish their entire infrastructure which includes offices, station locations, maintenance shops, training facilities, and management which also includes HR, finance, operations, etc. In addition to the above infrastructure, private sector providers must also pay fuel tax, registration, and insurance. And last, in addition to the costs, they must also maintain a profit margin to ensure sustainability. Conversely, the Fire Department already has the majority of this infrastructure in place. The addition of four units to the system should not require any additional administrative support to operate the system for Oxnard. The Department currently has an EMS Division, administrative support, HR, Finance, etc. In addition to the infrastructure, public ambulance providers do not pay fuel tax, registration, and most insurance that is required by private providers. Most important is that public providers cannot generate a profit. The last component to the cost comparison is the compensation between public and private employees. While many assume public employees are paid significantly more than private employees, the fact is that with pension reform, the margin has significantly narrowed. Hourly rates in some cases are lower in the public sector than in the private sector. Couple that with lower costs for retirement and benefits packages, the differences between public and private ambulance providers are often not more than 10%. However, when comparing total cost of a single unit, both AMR and Falck USA have recently bid a system in California with an annual cost per ambulance of \$1.7 million.

EMS System Valuation and Deployment Study

Oxnard Fire Department

The following calculation uses actual costs of employees and current equipment and ambulance costs of Oxnard Fire Department, along with a capital replacement plan and operating costs.

Total Revenue from Transports	\$9,426,529
- EMS Division costs - Support staff (mechanics, logistics, etc.) - Field personnel (supervisors, EMTs, EMT/P) 4 units require 24 employees 12 FF / EMTs 12 FF / Paramedics	- Already encumbered in deployment - Already encumbered in deployment \$1,460,448 \$1,891,956
Total Personnel Costs	\$3,352,404
- Rolling stock (ambulances, gurneys, ECG) 7 ambulances @ \$175,000* 7 power cots @ \$31,000** 7 cardiac monitors @ \$36,000***	\$306,250 \$43,400 \$50,400
Total Cost of Rolling Stock	\$400,050
Capital Replacement Plan + 10%	\$440,055
- Maintenance / fuel / etc. - EMS billing outside contractor @ 3.5% - Total operating cost	\$88,000 \$332,500 \$4,613,009
Total Net Cost Recovery	\$4,813,520

EMS System Valuation and Deployment Study

Oxnard Fire Department

- Unit Hour Cost \$131.65/UH
- Cost per unit \$1,153,254
- Total revenue per unit hour \$269.02

*depreciated over 4 years

**depreciated over 6 years

***depreciated over 5 years

Alternate Staffing Option

While there are many advantages to staffing ambulances with firefighters, there are also many challenges that accompany that model as well - primarily the ability for firefighters to maintain mandated training hours, drills, inspections, etc. Often it has been found that for firefighters to meet these requirements, additional unit hours must be placed into service to allow time away from EMS activities to address other important Department needs. This increase in unit hours comes at a cost that must be incurred against a rigid revenue stream. Because of this, many departments have or are considering the use of non-firefighters to staff the transport units. The benefits of non-firefighters, commonly referred to as Single Role EMTs, and paramedic staffed ambulances are many. The first being the increased safety on the fire scene. Firefighters want to fight fire. This is why they become firefighters. When a firefighter-staffed ambulance is dispatched to the scene of a fire, the natural tendency is for that crew to engage in firefighting activities. Should a medical emergency involving either a firefighter or a civilian occur, the ambulance crew may not be readily available to address that need and would require committing a suppression company to disengage from firefighting. A non-suppression single role staffed ambulance can focus on other functions that support the medical needs without sacrificing the operations needed at the incident.

Another aspect of a single role ambulance system is the ability to attract and employ members of the community as an entry level position or “gateway” into the fire service. The requirements and training to become an EMT are far less than those of becoming a firefighter. By providing an entry level position that includes a compensation package that provides for a living wage will not only

EMS System Valuation and Deployment Study

Oxnard Fire Department

provide jobs, but will also allow an individual the ability to, over time, transition into the firefighter position. The other aspect of the single role position is the ability to recruit as early as the high school level. The Department could partner with high schools and junior colleges to fast track those who are interested in a career in the fire service much quicker. This is extremely important when recruiting from population demographics that face challenges in pursuing careers that require extensive training. Below is a calculation based on the compensation package provided by the Department. This will be used to compare the cost recovery of firefighter staffed ambulances and single role staffed ambulances.

Total Revenue from Transports	\$9,426,529
- EMS Division costs - Support staff (mechanics, logistics, etc.) - Field personnel (supervisors, EMTs, EMT/P) 4 units require 24 employees 12 Single Role / EMTs 12 Single Role / Paramedics	Already encumbered in deployment Already encumbered in deployment \$1,088,808 \$1,305,456
Total Personnel Costs	\$2,394,264
- Rolling stock (ambulances, gurneys, ECG) 7 ambulances @ \$175,000* 7 power cots @ \$31,000** 7 cardiac monitors @ \$36,000***	\$306,250 \$43,400 \$50,400
Total Cost of Rolling Stock	\$400,050
Capital Replacement Plan + 10%	\$440,055

EMS System Valuation and Deployment Study

Oxnard Fire Department

• Maintenance / fuel / etc.	\$88,000
• EMS billing outside contractor @ 3.5%	\$332,500
• Total operating cost	\$3,654,869
Total Net Cost Recovery	\$5,771,660

• Unit Hour Cost	\$104.31/UH
• Cost per unit	\$931,756
• Total revenue per unit hour	\$269.02

*depreciated over 4 years

**depreciated over 6 years

***depreciated over 5 years

As we can see, the cost recovery using single role EMTs and Paramedics is nearly \$1 million more than by using firefighters. It is important to note that this consultant does not recommend or endorse one deployment model over the other. We provide this for comparison purposes only to aid the Department in choosing the model that best meets their needs.

Exploring Additional Areas for System Revenue

Throughout the development of a study, items such as policies or concepts come to light that provide opportunities that may prove to be beneficial to the system. Although the following items are routinely implemented, changed, or eliminated, it is still in the best interest of the system to at least bring them forward for discussion, understanding that many may be political philosophy, rather than business decisions.

First Responder Fee Background

The concept of charging fees for services that are provided to the public but are not considered part of the services paid by the tax base is nothing new for the fire service. Fire agencies typically

EMS System Valuation and Deployment Study**Oxnard Fire Department**

charge for services such as plan checks for new or remodeled buildings, sprinkler systems, and the inspections associated with these types of services. The fees aid in cost recovery of providing such services. The concept of charging for the response to Pre-Hospital Emergency Medical Services (PHEMS) is not as common. Most cities, counties, and special districts routinely collect taxes for the fire services agencies. Generally, those taxes are collected to provide for the prevention, mitigation, and control of nuisance and out of control fires that threaten the community, but do not cover PHEMS. Because fire stations are located throughout the community, they provide a strategically located pool of trained personnel equipped and well-suited to provide response to PHEMS. Firefighters at the BLS and ALS levels have proven to be the cornerstone of EMS in cities, counties, and throughout the nation. Providing these strategically based firefighters who are trained EMTs and Paramedics comes with a cost, which is commonly referred to as the cost of readiness. As the cost of readiness has been determined to be the most expensive component of providing EMS, the ability of the ambulance provider, either public or private, to provide 100% of the PHEMS response is not a cost-effective approach to the EMS system. On the other hand, a well-developed, robust EMS system, which includes the transport component, will enhance the overall delivery of PHEMS to the community and improve patient outcomes. Providing this added-value service has often been assumed to be part of the services provided by the fire department. The Warren 9-1-1 Act (AB 424) requires that when a person calls 9-1-1, they are able to request police, fire, and rescue services. As a result, police officers and firefighters are required to be trained in CPR. Even today, the Act does not mandate that the request for services includes ambulances or that firefighters provide medical services. As discussed above, the tax dollar allocated to fire agencies is for the prevention, control, and mitigation of out of control and nuisance fires that threaten the community. When an individual develops a medical condition that requires the use of the 9-1-1 or the PHEMS system, the likelihood that the condition will threaten the well-being of the community as a whole is minimal. As such, the response to the person requesting PHEMS is at the cost to all taxpayers and is actually a service for which those tax dollars were not intended. The impact to the taxpayer for the response to the PHEMS call has now impacted resources for the core mission of protecting the community; however, it is neither practical nor morally responsible for the Fire Department to cease response to PHEMS calls. This is particularly true when recognizing the benefit to the overall well-being of the common good of the community. It

EMS System Valuation and Deployment Study**Oxnard Fire Department**

is practical though, and in some cases required (precedence for fire service is the Fire District Act of 1987), to consider cost recovery for those services that are not provided for or supported by the tax dollar. The taxpayer is not responsible for the use of the fire agency for medical care.

Because PHEMS is not usually considered part of the services provided from the collection of tax dollars, it is acceptable and legal to charge for those PHEMS services on a cost recovery basis. Governmental entities are allowed to conduct cost recovery programs and allowed under Federal and State regulations to include those costs associated with providing those services. Those associated costs include the direct cost of services and the indirect costs of services. Direct costs are those costs that are directly related to providing the services. These include the firefighters dispatched, along with the apparatus and supplies used to provide the services. Indirect costs are those costs associated with supporting those services such as supervision, maintenance, finance, human resources, training, etc. Many of these indirect costs are internal services which are shared services between divisions within the Fire Department or the local government, if the Fire Department is a department within the local government structure. In either circumstance, the costs associated for providing these services must be calculated in a manner that justifies the charges. These charges are not intended to create a profit margin. They are intended to create a cost recovery system for supporting the EMS system.

The benefits of initiating a First Responder Fee (FRF) are numerous, with the most obvious being the rapid influx of revenue. With new revenue comes new opportunities for supporting and increasing services to the community being served. These opportunities can range from increased staffing, purchase of new equipment, expanded training, increased salaries, bonuses, or educational incentives for higher levels, or expanded licensure such as moving from BLS services to ALS services. It should be noted that all of this new revenue comes with little to no change in the current delivery of services. In other words, the current delivery model will likely not require any changes. There may be some administrative changes or modifications in order to initiate an FRF, but those changes would be considered a direct cost of providing the services and thus be included in the charges for cost recovery.

There are a number of agencies across the state that have implemented First Responder Fees for service. There is no requirement to be an ALS provider, nor is there any requirement to be an ambulance transporter. First Responder Fees are not subject to LEMSA approval. The

EMS System Valuation and Deployment Study

Oxnard Fire Department

following agencies are just some of those which have established FRF within their jurisdictions:

- Montclair, La Habra Heights, Corona, Pine Valley, Loma Linda, Kirkwood, San Bernardino, Sacramento Metro, Sacramento City, Sunshine Summit, San Ramon, Folsom, San Rafael, Sanger, Novato, Albany, Beverly Hills, Glendale, Burbank, Cosumnes, Moraga Orinda, Huntington Beach, Anaheim, Costa Mesa, Fountain Valley, Contra Costa

These agencies have instituted fees that range from between \$100 to \$425 per response, with many additional agencies considering the implementation of FRF within the coming year.

Applying an estimated FRF of \$400 for each medical incident to the percentage of commercial insurance calls only for the estimated 2,403 EMS calls (estimate for 20/21), we can assess the value at \$768,960 annually, bringing total annual revenue to **\$10,195,489 and total cost recovery to \$5,582,480.**

Summary of Findings

Located along some of the most beautiful sections of California, the EOA has both some of the highest and most expensive costs of living. At the same time, the City of Oxnard has their share of lower economic sections in the state. This higher standard of living has provided a higher than normal revenue for ambulance services than much of the state due to a robust commercial insurance demographic. As a result, the ambulance system in the Oxnard EOA is a very stable system because of the balance between payers and non-payers. As different as the area is from other parts of California, they are also very much alike. As with every other county in the state, the County has the absolute operational and financial responsibility to provide for ambulance services. However, in the case of Oxnard Fire they assume the responsibility for the county as a H&S Code 1797.201 provider. EMS, and in particular ambulance services, are a consumer based public safety system, unlike police and fire. Being consumer based, our elected officials are in a quandary in establishing the lowest rates possible for their residents, creating a living wage for the employees (who may also be residents), and ensuring a stable and sustainable system for the ambulance provider (profit). The current system in the Oxnard EOA is the same as every other system in the state to the extent that reimbursement, for the most part, is transport based and a non-subsidized fee for service system. This is because by

EMS System Valuation and Deployment Study

Oxnard Fire Department

regulations and statutes, paramedics are restricted from advising against transport and required to provide transport to every patient that requests it. This is counterproductive to the direction of the ACA and the triple aim of health care. Although there are regulations for the transport of patients, there are still ways to modify the system to reduce costs of services and at the same time, provide better options for the patient other than transport to the ED.

The ambulance transport system across California has remained virtually unchanged for nearly 50 years; City of Oxnard is no exception. It is still an FFS based system that relies on response times to validate the services. The Oxnard Fire department is acting in a very competent manner by evaluating their system and hopefully, will actually bring the system into the 21st century and be poised to adapt to future changes in health care.

As part of the evaluation workbook, there is a section that asks what the key factors or objectives are with the study. The Fire Chief and his staff developed the following objectives that they feel should be part of the system drivers:

- 1) *Improve service delivery***
- 2) *Innovate services***
- 3) *Expand services***
- 4) *Local control over EMS system in our city***

Using the Chiefs vision the following list of items can be brought into the system in a sustainable manner.

- A system that is driven more by providing the highest level of service possible within the confines of the resources (revenue) of the system.
- Enhanced operational control – i.e., system status management, additional units based on actual needs (peak hours), an ability to better control or assure total response times, better data collection, for better patient care.
- Employees provided with a livable wage and a career path that leads to long term employees / employment in the EOA.

EMS System Valuation and Deployment Study

Oxnard Fire Department

- A system that is financially stable due to the commitment to patients, quality of care, standardized billing practices, as well as compassionate billing practices.

As we can see, the fire service objectives are solely centered on creating the best system that can be delivered within the confines of the system's ability to pay with cost recovery reinvested back into the system to facilitate constant improvements.

LOCAL CONTROL OF AMBULANCE SERVICES FEASIBILITY STUDY

Oxnard Fire Department

Alexander Hamilton, Interim Fire Chief



BACKGROUND

2

- Oct. 13, 2020 OFD provided a report to Oxnard Public Safety Committee on current ambulance services provided to Oxnard
 - Services provided through JPA with Ventura County Emergency Medical Services Agency (VCEMSA), contracting with private ambulance company.
- Report highlighted following areas of concern:
 - Reductions in paramedic ambulance services
 - Disproportionate ambulance response delays to low income areas
 - Failure to invest locally by private ambulance providers
 - Profit driven response decisions by private ambulance providers
 - Lack of local (Oxnard) control and accountability due to contract restrictions

- To enhance Emergency Medical Services (EMS) to the residents of Oxnard, the Fire Department performed a study to evaluate EMS ambulance system deployment and value
 - Main phase 1 study objectives:
 - Determine if Oxnard can enhance ambulance service delivery by assuming local control
 - Determine if ambulance system can support sustainability and local reinvestment

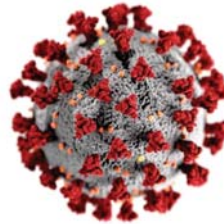
EMS SYSTEM VALUATION AND DEPLOYMENT STUDY- AP TRITON

4

- AP Triton Consulting, LLC
 - Contracted to conduct independent, 3rd party evaluation of ambulance feasibility
 - Subject matter experts in EMS studies
 - Industry leader in ambulance feasibility studies
 - Created nation's first ambulance Center for Medicare and Medicaid (CMS) Ground Emergency Medical Transport (GEMT) program
 - Vast experience with large agencies, counties, and municipalities similar to Oxnard.



- Local/Oxnard control and accountability
- Flexible staffing to meet Oxnard's needs
 - Up staffing in response to increased risk of emergency
 - Environmental/weather related events and disasters
 - Pandemic response
 - Large events



- Local/Oxnard control and accountability
 - Current Gold Coast/AMR Ambulance Deployment



- (4) 24 hour ambulances
- (1) 12 hour ambulance
- Dual use/often unavailable
- Units **NOT** dedicated to Oxnard
 - Subject to other area's needs
 - Units cover Oxnard, El Rio, Port Hueneme, Unincorporated Ventura county, and PCH south to LA county line.

- Local/Oxnard control and accountability
 - Recommended deployment under local control



- Enhanced ambulance staffing
 - (4) 24 hour Ambulances
 - (1-2) 12 hour Ambulances
 - Emergency (911) use *only*
 - **Dedicated** to Oxnard

- Improved healthcare equity
 - Targeted needs based intervention
 - EMS delivery based on community need not profit margin



- Mobile Intensive Healthcare/Community Paramedicine
 - Medically underserved
 - Low income, seniors, homeless
 - Preventative, follow up, education

- Telemedicine
 - Reduction of long term impacts of healthcare cost
 - Ultra low cost alternative to ambulance transport

- Improved access to First Responder Advanced Life Support (FRALS) Services



- Additional paramedic squads
- EMS enhancements to
 - Ocean Rescue
 - Urban Search and Rescue
 - Active shooter/tactical EMS

- Improved EMS lifesaving equipment
 - Equipment based on clinical value not cost saving

Contracted Private Provider

- Cost to city is unknown until RFP is crafted
- Long term contracts needed to attract RFP bidders

- Gold Coast/AMR
 - Cost per unit hour based on self reported financials
 - **\$274.51/Hr**

GCA/AMR employee pay at or just above minimum wage

- EMT: \$13.00
- Paramedic : \$15.96

Oxnard Firefighter/Paramedic Staffed System

- Multiple advantages and challenges
- Mandated training hours, drills, inspections can increase unit hour needs

- Oxnard Firefighter Staffed Ambulance

- Cost per unit hour with dual role employee
 - **\$131.65/Hr**

- Unit hour estimate reflects full operating cost
- Includes cost of outside billing company

Oxnard Single Role Paramedic/EMT Option

- Focused on medical needs
 - preserves operational capacity of supresion resources
- Career gateway
 - Long term viability for single role providers
 - Opportunities to recruit local talent

- Oxnard Single Function Staffed Ambulance

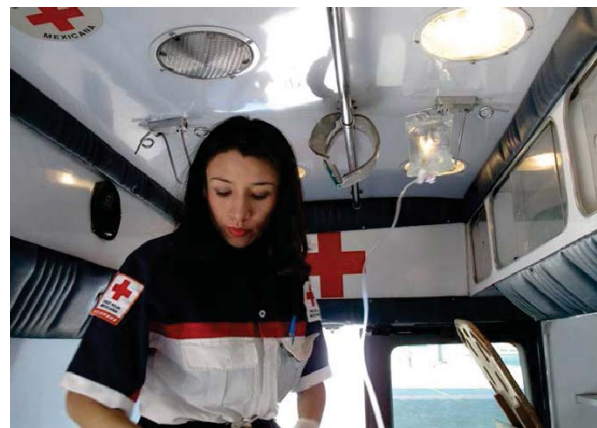
- Cost per unit hour with single role employee
 - **\$104.31/Hr**

- Significant quality of life improvement for EMS providers

- EMT: \$20/hr
- Paramedic: \$25/hr

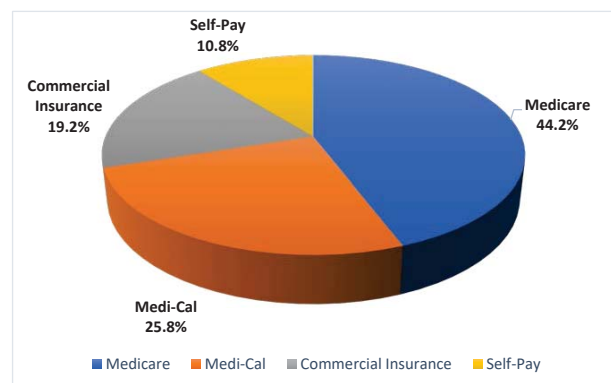
- The current ambulance structure does not support reinvestment into the Oxnard's EMS system
 - As noted in the AP Triton study report:
 - *"The interesting aspect of this arrangement is that when the provider is not in compliance with the service requirements, such as delayed response, the ambulance provider is fined. These monies are then paid to the County and not the City, although it was the City that experienced a compromise in the service they deserve"*

- Community workforce reinvestment
- Career Opportunities
 - Safeguards through the RFP process
 - Pathways for those interested in Firefighter/Paramedic



- Proposed Oxnard Fire Department ambulance system is self sustaining
 - Data used to evaluate reimbursement:
 - Public (CMS)
 - County (dispatch/EMS)
 - Ambulance provider supplied (AMR/GCA)
 - City provided (GIS)
 - All data provided by the City vetted for accuracy
 - (+/- 1%)

- Oxnard benefits from favorable health insurance payer mix
 - AP Triton report (Pg.14)



Cost Center	Percentage of Transports	Total Transports
Medicare	44.2 %	5,533
Medi-Cal	25.8 %	3,229
Commercial Insurance	19.2 %	2,403
Private Pay	10.8 %	1,352
Totals	100 %	12,517

- Proposed ambulance service allows for significant reinvestment into the EMS system
 - Most conservative reimbursement model



Cost Center	Number of Transports	Collection Rate	Revenue
Medicare	5,533	\$465	\$2,572,845
Medi-Cal	3,229	\$155	\$500,495
Commercial Insurance	2,403	\$1,671	\$4,015,413
Private Pay	1,352	\$167	\$225,784
Totals	12,517	-	\$7,314,537

- Total Ambulance transport revenue: \$7,314,537 (pg.15)
- Total yearly cost to provide higher level of services: \$4,613,009 (pg. 23-24)
- Reimbursement available for investment into local EMS delivery/services: \$2,701,628





QUESTIONS